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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)

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Dec. 31, 1997	2	Jan. 9, 1998	July 7, 1998	29	July 17, 1998
Jan. 6, 1998	3	Jan. 16, 1998	July 14, 1998	30	July 24, 1998
Jan. 13, 1998	4	Jan. 23, 1998	July 21, 1998	31	July 31, 1998
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May 26, 1998	23	June 5, 1998	Dec. 1, 1998	50	Dec. 11, 1998
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June 16, 1998	26	June 26, 1998	Dec. 22, 1998	1	Jan. 4, 1999*
June 23, 1998	27	July 6, 1998*	Dec. 29, 1998	2	Jan. 8, 1999

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Boiler and Pressure Vessel Safety

2) Code Citation: 41 Ill. Adm. Code 120

3) Section Numbers: Proposed Action:
 120.10 Amendment
 120.20 Amendment
 120.500 Amendment
 120.1040 Amendment
 120.1100 Amendment
 120.1260 Amendment

APPENDIX A

EXHIBIT A

EXHIBIT B

4) Statutory Authority: Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] and authorized by Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2 and 2.1].

5) A Complete Description of the Subjects and Issues Involved: These amendments update standards for the construction and repair of boilers and pressure vessels to conform to nationally recognized engineering standards. They also require owners to designate a person to perform regular checks and maintenance of safety appliances according to the manufacturer's specifications and to maintain records of checks. Changes are also proposed for application for State special operating permits and quality control manuals.

6) Will this Proposed Rule Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Do these Proposed Amendments Contain Incorporations by Reference? No

9) Are there any Other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: These amendments impact new construction of boilers and require the person with responsibilities for the operation of boilers and pressure vessels to maintain a record of required safety checks.

11) Time, Place and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Interested parties may submit written comments within 45 days of this publication to:

John Pavlou, Chief Counsel
 Office of the State Fire Marshal
 1035 Stevenson Drive

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois 62703-4259
 785-1031

12) Initial Regulatory Flexibility Analysis:

A) Types of Small Businesses and Municipalities Affected: Owners and operators of boilers and pressure vessels.

B) Reporting, bookkeeping or other procedures required for compliance: A form, generally monthly, recording information on the date of checks and maintenance performed.

C) Types of Professional Skills necessary for Compliance: Knowledge and ability to safely operate and maintain the devices.

13) Regulatory Agenda on which this rule was summarized: This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: the Board, on March 4, 1998, determined to proceed with these proposed rules after the last regulatory agenda. The rules had been discussed at several open meetings which the public attends.

The full text of the proposed amendments begins on the next page.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHAL

PART 120
BOILER AND PRESSURE VESSEL
SAFETY

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section	
120.4	Forward (Repealed)
120.7	Kindly Observe the Following Briefs and Avoid Unnecessary Inconvenience (Repealed)
120.10	Definitions
120.11	Incorporation of National Standards
120.15	Fees
120.20	Administration
120.30	Inspectors, Examinations, Certificate of Competency and Commission
120.41	Special Inspector Trainee (Repealed)

SUBPART B: CONSTRUCTION, INSTALLATION, INSPECTION, MAINTENANCE, AND USE

Section	
120.100	New Installations of Boilers, Miniature Boilers, Heating Boilers and Hot Water Supply Boilers
120.105	Boiler Exemptions
120.200	New Installations of Pressure Vessels
120.205	Pressure Vessel Exemptions
120.300	Existing Installations of Power Boilers
120.400	Existing Installations of Miniature Boilers (Repealed)
120.500	Operation of Boilers and Pressure Vessels Existing-Installations--of Heating-Boilers-and-Hot-Water-Supply-Boilers-(Repealed)
120.600	Existing Installation of Pressure Vessels
120.700	General Requirements for all Boilers and Pressure Vessels (Repealed)
120.800	Nuclear Power Plant Components (Repealed)
120.900	Flame Safeguard Requirements and Incorporated Standards (Repealed)

SUBPART C: REPAIR AND ALTERATION

Section	
120.1000	Repairs and Alterations to Boilers and Pressure Vessels by Welding
120.1010	Authorization to Repair Boilers and Pressure Vessels
120.1020	Issuance and Renewal of the Certificate
120.1030	Changes to Certificates of Authorization
120.1040	Quality Control Requirements
120.1041	Repair and Alteration Requirements

SUBPART D: STATE SPECIALS

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Section
120.1100 Procedure for the Issuance of a State State's Special Permit Permits

SUBPART E: REPAIR OF SAFETY AND SAFETY RELIEF VALVES

Section	
120.1200	Authorization for Repair of Safety & Safety Relief Valves
120.1210	Authorization to Repair ASME and National Board Stamped Safety and Safety Relief Valves
120.1220	Issuance and Renewal of the Certificate
120.1240	Changes to Certificates of Authorization
120.1250	Repairs to Safety and Safety Relief Valves
120.1260	Quality Control System
120.1270	Nameplates
120.1275	Field Repair
120.1280	Performance Testing of Repaired Valves
120.1285	Training of Valve Repair Personnel
120.1290	ASME "V", "UV" or National Board "VR" Certificate Holders

SUBPART F: OWNER-USER QUALITY CONTROL REQUIREMENTS

Section	
120.1300	Introduction
120.1301	Authority and Responsibility
120.1305	Organization
120.1310	Inservise Inspection Program
120.1320	Drawings, Design Calculations, and Specification Control
120.1325	Material Control
120.1330	Examination and Inspection Program
120.1335	Correction of Nonconformities
120.1340	Welding
120.1345	Nondestructive Examination
120.1350	Calibration of Measurement and Test Equipment
120.1355	Records
120.1360	Inspectors

APPENDIX A Operational and Maintenance Log Examples--of--Repair--and Alterations--(Repealed)

EXHIBIT A Hot Water Heating Boilers

EXHIBIT B Steam Heating Boilers

APPENDIX B Record of Welded Repair (Repealed)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act (430 ILCS 75) and authorized by Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act (430 ILCS 75/2 and 2.1).

SOURCE: Boiler and Pressure Vessel Safety Act Rules and Regulations adopted at 4 Ill. Reg. 7, p. 126, effective January 31, 1980; codified at 5 Ill. Reg.

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10677; amended at 7 Ill. Reg. 6925, effective July 1, 1983; amended at 10 Ill. Reg. 9510, effective July 1, 1985; amended at 11 Ill. Reg. 16587, effective January 1, 1988; amended at 16 Ill. Reg. 6808, effective July 1, 1992; amended at 17 Ill. Reg. 14917, effective September 1, 1993; amended at 19 Ill. Reg. 11904, effective August 15, 1995; amended at 20 Ill. Reg. 9540, effective July 3, 1996; amended at 21 Ill. Reg. 997, effective January 1, 1997; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section 120.10 Definitions

Act or the Act means the Boiler and Pressure Vessel Safety Act [430 ILCS 75].

Alteration means any change in the item described on the original Manufacturers' Data Report which affects the pressure containing capability of the boiler or pressure vessel. Non-physical changes such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or pressure vessel shall be considered an alteration. A reduction in minimum temperature such that additional mechanical tests are required shall also be considered an alteration.

API 510 means the Maintenance, Inspection, Rating, Repair and Alteration of Pressure Vessels as published by the American Petroleum Institute.

Approved means approved by the Board of Boiler and Pressure Vessel Rules.

ASME Code means the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Council of the Society and approved and adopted by the Board. Copies of the Code may be obtained from said Society at 345 E. 47th Street, New York, New York 10017.

Authorized Inspection Agency means one of the following:

A department or division established by a jurisdiction which has adopted one or more Sections of the ASME Code and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors;

An inspection agency of an insurance company which is authorized (licensed) to insure and is insuring boilers and pressure vessels in those jurisdictions which have examined the agency's

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inspectors to represent such jurisdictions as is evident by the issuance of a valid Certificate of Competency to the inspector; or

An owner or user of boilers and pressure vessels who maintains a regularly established inspection department, whose organization and inspection procedures meet the requirements established by the Board and contained in this Part.

Authorized Repairer means a holder of a Certificate of Registration issued pursuant to the Boiler and Pressure Vessel Repairer Regulation Act.

Board means the Board of Boiler and Pressure Vessel Rules created by the Act and empowered to make, alter, amend and interpret rules and regulations for the safe construction, installation, inspection, alteration, and repair of boilers and pressure vessels and for establishing fees.

Boiler means a vessel intended for use in heating water or other liquids or for generating steam or other vapors under pressure or vacuum by the application of heat resulting from the combustion of fuels, electricity, or waste gases.

Certificate Inspection means an inspection, the report of which is used by the Chief Inspector as justification for issuing, withholding or revoking the inspection certificate. The Certificate Inspection shall be an internal inspection when required; otherwise, it shall be as complete an inspection as possible.

Certificate of Competency means a certificate issued to a person who has passed the examination prescribed by the Board.

Certificate of Registration means a certificate issued by the Office pursuant to the Boiler and Pressure Vessel Repairer Regulation Act.

Commission, National Board means the commission issued by the National Board to a holder of a Certificate of Competency who desires to make shop inspections or field inspections in accordance with the National Board bylaws and whose employer submits the inspector's application to the National Board for such commission.

Condemned Boiler or Pressure Vessel means a boiler or pressure vessel that has been inspected and declared unsafe, or disqualified by legal requirements, by the Chief or Deputy Inspector.

Division means the Division of Boiler & Pressure Vessel Safety.

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Electric Boiler means a boiler in which the source of heat is electricity.

Engineer means a registered professional engineer registered in accordance with the Illinois Professional Engineering Act [225 ILCS 325] or a person who graduated from an accredited college or university and either:

holds a mechanical engineering degree, or

has five years experience in a related field (e.g., civil engineering, metallurgical engineering, industrial engineering, design engineering, maintenance engineering, project engineering or construction, maintenance, repair or operation of high pressure boilers and pressure vessels).

Existing Installation means and includes:

Any boiler installed and placed in operation within the State of Illinois before May 1, 1953.

Any hot water supply boiler installed and placed in operation within the State of Illinois on or before July 9, 1957.

Any pressure vessel installed and placed in operation within the State of Illinois on or before December 31, 1976.

External Inspection means an inspection made when a boiler or pressure vessel is in operation, if possible.

Heating Boiler means a steam boiler operated at pressures not exceeding 15 psig, or a hot water heating boiler operated at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F. at or near the boiler outlet.

High Pressure Boiler means a boiler where steam is generated at a pressure in excess of 15 psig or a water boiler operated in excess of 160 psig and/or temperatures in excess of 250° F.

High-Temperature Water Boiler means a water boiler operating at pressures exceeding 160 psig and/or temperatures exceeding 250° F. at or near the boiler outlet.

Hot water supply boiler means a boiler (including fired storage water heater) furnishing hot water to be used externally to itself at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F. at or near the boiler outlet except those exempted pursuant to the Boiler and Pressure Vessel Safety Act and this Part.

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Inspection Certificate means a certification issued by the Chief Inspector for the operation of a boiler or pressure vessel as required by the Act.

Inspector means the Chief Inspector or Deputy Inspector or Special Inspector or Owner-User Inspector.

Chief Inspector means the Chief Boiler and Pressure Vessel Inspector employed under the Act.

Deputy Inspector means any inspector employed under the provisions of the Act.

Special Inspector means an inspector holding an Illinois Certificate of Competency and who is regularly employed by an insurance company authorized to write boiler and pressure vessel insurance in this State.

Special Inspector Trainees are those inspectors described in Section 120.30.

Owner-User Inspector means an inspector described in Section 120.1360 continuously employed as an inspector by an Owner-User Inspection Agency.

Internal Inspection means as complete an examination as can reasonably be made of the internal and external surfaces of a boiler or pressure vessel while it is shut down and manhole plates, handhole plates or other inspection opening closures are removed as required by the inspector.

Jurisdiction means a state, commonwealth, county or municipality of the United States or a province of Canada which has adopted one or more sections of the ASME Code and maintains a duly constituted Department, Bureau, or Division for the purpose of enforcement of such Code. In Illinois the Division of Boiler and Pressure Vessel Safety is the jurisdiction except for the City of Chicago.

Lined Potable Water Heater shall mean a water heater with a corrosion resistant lining, used to supply potable hot water.

Low Pressure Boiler means a steam boiler operated at pressures exceeding 15 psig or a hot water boiler operated at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F.

Miniature Boiler means any boiler which does not exceed any of the following limits:

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16 inches inside diameter of shell

20 square feet heating surface

5 cubic feet gross volume, exclusive of casing and insulation

100 psig maximum allowable working pressure

National Board Inspection Code means the Manual for Boiler and Pressure Vessel Inspectors published by the National Board. Copies of the Code may be obtained from the National Board.

National Board means the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, whose membership is composed of the Chief Inspectors of jurisdictions who are charged with the enforcement of the provisions of the ASME Code.

New Boiler Installations means and includes all boilers constructed, installed and placed in operation within the State of Illinois after May 1, 1953, and all hot water supply boilers installed and placed in operation after July 9, 1957.

New Pressure Vessel Installations means and includes any pressure vessel installed and placed in operation within the State of Illinois after December 31, 1976.

Non-Standard Boiler or Pressure Vessel means a boiler or pressure vessel that does not bear the ASME Stamp or the API-ASME Stamp.

Office means the Office of the State Fire Marshal.

Operator means any individual who has charge of a boiler or pressure vessel as defined by the Act, and whose duties include operation and maintenance of such devices.

Owner or User means any person, firm or corporation legally responsible for the safe operation of any boiler or pressure vessel within the State.

Owner-User means an owner and user qualified under Section 15 of the Act.

Place of Public Assembly means a building or specific area, including outdoor areas, in which persons assemble for civic, educational, religious, social or recreational purposes or which is provided by a common carrier for passengers awaiting transportation or in which persons are housed to receive medical, charitable or other care or treatment, or are held or detained for public, civic or correctional

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purposes.

Portable Boiler means an internally fired boiler which is primarily intended for temporary location and the construction and usage of which permits it to be readily moved from one location to another.

Power Boiler means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig and includes a high-pressure, high-temperature water boiler.

Pressure Vessel means a vessel in which pressure is obtained from an external source, or by the application of heat from an indirect source or from a direct source other than those boilers as defined above.

PSIG means pounds per square inch gauge.

Reinstalled Boiler or Pressure Vessel means a boiler or pressure vessel removed from its original setting and reinstalled at the same location within the State of Illinois or at a new location without change of ownership.

Relief Valve means an automatic pressure relieving device actuated by the static pressure upstream of the valve which opens further with the increase in pressure over the opening pressure. It is used primarily for liquid service.

Repair means work necessary to return a boiler or pressure vessel to a safe operating condition.

Rerating means a change in the maximum allowable working pressure or temperature of a boiler or pressure vessel regardless of whether or not physical work is performed on the boiler or pressure vessel. Rerating shall be considered an alteration.

Safety Relief Valve means an automatic pressure actuated relieving device suitable for use as a safety or relief valve, depending on application.

Safety Valve means an automatic pressure relieving device actuated by the static pressure upstream of the valve and characterized by full opening pop action. It is used for gas or vapor service.

Secondhand Boiler or Pressure Vessel means a boiler or pressure vessel which has changed both location and ownership since primary use.

Standard Boiler or Pressure Vessel means a boiler or pressure vessel which bears the ASME Code Symbol.

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State Special means a pressure vessel of special construction that may not be constructed in accordance with the ASME Code. See Subpart E, Section 120.1100 of this Part, for the procedures for granting a State Special.

Underwriters Laboratories (U.L.) means a non-profit independent organization testing for public safety. It maintains and operates laboratories for the examination and testing of devices, systems and materials to determine their relationship to life, fire and casualty hazards.

Welding or Arc Welding means a group of welding processes wherein coalescence is produced by heating with an arc or arcs, with or without the application of pressure, and with or without the use of filler metal.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 120.11 Incorporation of National Standards

Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.

a) The Board hereby adopts the following nationally recognized standards and addenda:

ASME CSD-1a-1993	Controls and Safety Devices for Automatically Fired Boilers
NFPA 8501-92	Single Burner Boilers - Furnaces
NFPA 85-C 1991	Multiple Burner Boilers - Furnaces
NFPA 85-F 1988	Pulverized Fuel Systems
ASME Boiler and Pressure Vessel Code (1995) with 1995, 1996, 1997 (+1992)-with-1992,-1993,-1994 addenda	

Section I

Power Boilers

Section II

Material Specifications -- Part A -- Ferrous

Section II

Material Specifications -- Part B -- Nonferrous

Section II

Material Specifications -- Part C -- Welding Rods Electrodes and Fillers Metals

Section II

Material Specifications -- Part D -- Properties

Section IV

Heating Boilers

Section V

Nondestructive Examination

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Section VI
Recommended Rules for Care and Operation of Heating Boilers

Section VII

Recommended Rules for Care of Power Boilers

Section VIII

Pressure Vessels -- Division 1
Including Appendix M

Section VIII

Pressure Vessels -- Division 2 -- Alternative Rules
Section VIII -- Pressure Vessels -- Division 3 -- Alternative Rules for High Pressure Vessels

Section IX

Welding and Brazing Qualifications

Section X

Fiberglass -- Reinforced Plastic Pressure Vessels

National Board of Boiler & Pressure Vessel Inspectors
Inspection Code (1995) with 1995, 1996 and 1997 (+1992)-with-1992,-1993,-1994 addenda

National Board Rules and Recommendations for the Design and Construction of Boiler Blowoff Systems (1991)

American Petroleum Institute
API-510, Seventh Edition, 2nd Supplement, "API Recommended Practice for Inspection, Repair, and Rating of Pressure Vessels in Petroleum Refining Service"

API --
American Petroleum Institute
1220 L Street, Northwest
Washington, D.C. 20005

ASME --
American Society of
Mechanical Engineers
United Engineering Center
345 East 47th Street
New York, New York 10017

NB --
National Board of Boiler &
Pressure Vessel Inspectors
1055 Crupper Avenue
Columbus, Ohio 43229

NFPA --
National Fire Protection
Association
1 Batterymarch Park
Quincy, Massachusetts 02269-9101

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 120.20 Administration
Administration (generally)

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- a) Applying State Serial Number. The State serial number on boilers shall be not less than 5/16" in height and shall be preceded by the letters "ILL" which shall also be not less than 5/16" in height. Boilers will be identified by a five digit number. The State serial number on pressure vessels shall be not less than 5/16" in height and shall be preceded by the letters "ILL" and the letter "U" which also shall be not less than 5/16" in height. Pressure vessels will be identified by a six digit number. The Inspector shall make certain that the correct Illinois State serial number is affixed to the boiler or pressure vessel at the time of inspection.
- b) First Time Inspection. Effective January 1, 1999, all first time inspections of boilers and pressure vessels shall be performed by the Chief or a Deputy Inspector employed by the Division. Attendants of Boilers--in-the-interest-of-safety-it-is-recommended-that--boilers--in operation--shall--be--under-the-supervision-of-and-checked-at-suitable intervals--by-a-competent-attendant.
- c) Basis for Extending Certificate.
- 1) The Chief Inspector is authorized to extend, for a period not exceeding one year, the time within which power boilers are required to be internally inspected, subject to the following conditions and qualifications:
 - A) The analysis and treatment of feedwater for such power boilers shall be under the supervision of a person qualified in the field of water chemistry.
 - B) The analysis and treatment of the boiler feedwater shall be for the purpose of controlling and limiting serious deteriorating, encrusting and sludging factors affecting the safety of the boiler.
 - 2) The owner or user of such power boilers must maintain, for examination by the inspector, accurate records of such chemical and physical laboratory analysis of samples of the boiler water taken at regular intervals of not more than 24 hours operation and of the treatment applied. These records must specify dates and times of analyses, by whom analyzed, and the treatment applied at that time, and should be certified by the responsible authority. These records will adequately show the conditions of such water and any constituents or characteristics which are capable of producing corrosion or other deterioration of the boiler or its parts.
 - 3) The Chief Inspector is authorized to review the qualifications of the supervisor and the acceptability of supervision in accordance with the foregoing.
 - 4) Application for extension shall be by letter setting forth facts establishing compliance with the foregoing conditions and qualifications, and shall be accompanied by the report of external inspection.
- d) Unsafe Boilers or Pressure Vessels. Any boiler or pressure vessel having been inspected and declared unsafe by an inspector shall have

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- the Inspection Certificate suspended.
- e) Factors of Safety for Existing Installations. An inspector shall increase the factors of safety if the condition of a boiler or pressure vessel warrants it. If the owner or user does not concur with the inspector's decision, the owner or user may appeal to the Board.
- f) Frequency of Inspection of Boilers and Pressure Vessels.
- 1) Power boilers and high temperature water boilers shall receive a certificate inspection annually, which shall be an internal inspection where conditions permit. Such boilers shall also be inspected externally annually while under representative operating conditions, if possible.
 - 2) Low pressure steam and hot water heating boilers and hot water supply boilers shall be inspected both internally and externally every two years where conditions permit and shall receive a certificate inspection every two years.
 - 3) Inspection of the flame safeguard equipment shall be in conjunction with the regular inspections of boilers.
 - 4) Pressure vessels subject to internal corrosion shall receive a certificate inspection every three years. This inspection shall be external and internal where conditions permit. However, owner users qualified in accordance with Section 15 of the Act shall have the option of using API-510 or the N.B.I.C. for inspection intervals.
 - 5) Pressure vessels not subject to internal corrosion shall receive a certificate inspection every three years. However, owner users qualified in accordance with Section 15 of the Act shall have the option of using API-510 or the N.B.I.C. for inspection intervals.
- g) Inspection and Inspection Certificate Fees.
- 1) If a boiler or pressure vessel shall, upon inspection, be found to be suitable and to conform to this Part, the owner or user shall pay the fees as established by the Board for each boiler and pressure vessel inspected before an Inspection Certificate shall be issued.
 - 2) If the owner or user of each boiler or pressure vessel required to be inspected refuses or fails to allow an inspection to be made or refuses or fails to pay the appropriate fee(s), the Inspection Certificate shall be suspended by the Chief Inspector until the owner or user complies with the requirements.
 - 3) The owner or user who causes a boiler or pressure vessel to be operated without a valid Inspection Certificate shall be subject to the penalty as provided in the Act.
 - h) Inspectors to Have no Other Interests. It is prohibited for any employee of the Division of Boiler and Pressure Vessel Safety to accept any compensation or remuneration from any source for acting as a Consultant, Engineer, Safety Engineer, Safety Specialist, etc., or under any other title. Employees of this Division shall not be engaged in the sale of any article or device that is related to boilers or pressure vessels and shall devote their full time to inspection work.

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- i) Installing Used or Second-hand Boilers and Pressure Vessels. A certificate inspection shall be made of all used or second-hand boilers or pressure vessels prior to operation in this State. In a case where a boiler or pressure vessel is moved and reinstalled, the fittings and appurtenances shall be upgraded to comply with the Rules for new installations.
- j) Inspectors to Notify Chief Inspector of defective boilers and pressure vessels. If an inspector finds that a boiler or pressure vessel or any of the appurtenances are in an unsafe condition the inspector shall immediately notify the Chief Inspector and submit a report of the defects.
- k) Insurance Agencies to Notify the Chief Inspector of New, Cancelled or Suspended Risks. All Insurance Agencies shall notify the Chief Inspector within 30 days of all boiler or pressure vessel risks written, cancelled, not renewed or suspended in Illinois.
- l) Manufacturers Data Reports to Be Filed. Effective January 1, 1974, Manufacturers Data Reports on boilers and as amended December 31, 1976, for pressure vessels, which are to be installed in the State of Illinois (unless otherwise exempted by this Part) shall be filed with the Chief Inspector through the National Board. It is intended that each boiler and pressure vessel so filed should be assigned a National Board number.
- m) Boilers and Pressure Vessels without ASME Stamping. If the boiler or pressure vessel does not bear the ASME stamping, then the drawings, data and material showing all details of construction shall be submitted to the Chief Inspector and his approval obtained before installation in this State. The Chief Inspector shall grant his approval if the construction, materials and inspection requirements meet the Rules except for ASME stamping.
- n) Notification of Inspection. The owner or user shall prepare each boiler or pressure vessel for internal inspection and shall prepare for and apply a hydrostatic test whenever necessary, on the date specified by an inspector, which date shall be not less than 7 days after the date of notification.
- o) Owner to Notify Chief Inspector in Case of Accident. Any owner or user, which includes any person, firm, partnership, corporation, or governmental entity, that knowingly fails to notify the Chief Inspector within 24 hours, or on the next business day, of an accident, explosion, event, or incident that serves to render a boiler or pressure vessel inoperative because of damage or failure or that involves any bodily injury or death to any person is guilty of a Class B misdemeanor, if a natural person, or a business offense punishable by a fine of not less than \$501 and not more than \$10,000, if a corporation or governmental entity.
- p) Penalties. Any person, firm, partnership or corporation violating any of the provisions of this Part shall be subject to the penalties provided in the Boiler and Pressure Vessel Safety Act.
- q) Registration of Boilers and Pressure Vessels. All owners or users of

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- r) Removal of Safety Appliances.
 - 1) No person, except under the direction of an inspector ~~inspector~~, shall attempt to remove or shall do any work upon safety appliances required by this Part while a boiler or pressure vessel is in operation. Should any of these appliances be repaired during an outage of a boiler or pressure vessel, they must be reinstalled and in proper working order before the object is again placed in service.
 - 2) No person shall in any manner load the safety valve or valves to maintain a working pressure in excess of that stated on the Inspection Certificate.
 - s) Stamping of Boilers and Pressure Vessels. Each boiler or pressure vessel subject to the Act shall be identified by a serial number of the State of Illinois. The number will be assigned by the Chief Inspector and applied to the boiler or pressure vessel by the inspector ~~inspector~~ at the time of inspection. Also, the Code required stamping shall be kept free of paint and lagging so that it will be plainly visible and easily read by the inspector ~~inspector~~.
 - t) Submission of Inspection Reports. Inspection Reports to be submitted by Special Inspectors:
 - 1) Inspection Reports shall be submitted within 30 days from the date of inspection.
 - 2) All Inspection Reports inspection-reports shall be completed with all pertinent information as required including location and actual conditions observed.
 - 3) Validity of Inspection Certificate. No Inspection Certificate issued for a boiler or pressure vessel inspected by a Special Inspector shall be valid after the boiler or pressure vessel for which it was issued shall cease to be insured by a duly authorized insurance company. The Chief Inspector may at any time suspend an Inspection Certificate when the boiler or pressure vessel for which it was issued may not continue to be operated without menace to public safety, or when the boiler or pressure vessel is found not to comply with this Part. A Special Inspector shall have authority to request suspension of an Inspection Certificate for boilers or pressure vessels insured by the employing company. Such suspension of an Inspection Certificate shall continue in effect until such boiler or pressure vessel shall have been made to conform to this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 120.500 Operation of Boilers and Pressure Vessels

- a) Designation of Operators. Owners of boilers and pressure vessels as defined in the Act shall designate an operator to discharge the duties of operation and maintenance of such devices.
- b) Maintenance Requirements. Owners of boilers and pressure vessels shall maintain such devices in accordance with manufacturers specifications and this Part pertinent to such devices.
- c) Operational Requirements. Owners of boilers and pressure vessels shall perform periodic checks and operational maintenance of such devices to ensure the structural and technical integrity of the devices. Frequency of checks and operational maintenance shall be determined by the manufacturer of the device and this Part. Depending on the size and use of a boiler or pressure vessel, checks and maintenance must be made at designated intervals by the operator. The designated interval and checks shall be as prescribed by, but need not be limited to, the manufacturers specification(s) and ASME CSD 1 (Controls and Safety Devices for Automatically Fired Boilers). Operators responsible for the maintenance and operation of boilers and pressure vessels shall have the skills necessary to perform those tasks at the level to ensure the safe operation of regulated devices. It is recommended that all operators of boilers and pressure vessels obtain training in the proper operation and maintenance of such devices; training may be obtained through local community colleges, mechanical insurers, trade associations, trade unions, and manufacturers and distributors of such devices.
- d) Recordkeeping. Owners of boilers and pressure vessels shall maintain records of operation and maintenance of devices and make such records available upon request of the inspector. Such records shall include, but not be limited to, the following information:
 - 1) Maintenance history of the device.
 - 2) Operational check and maintenance logs.
 - 3) Permits, licenses and other regulatory compliance information.
 - 4) Problems and operational disruptions due to failure of the device or a device accessory.

Appendix A contains examples of operational and maintenance logs. Records shall be maintained for a period of no less than 3 years from the date of recording.

SUBPART C: REPAIR AND ALTERATION

Section 120.1040 Quality Control RequirementsQuality-Control-System

- a) General
 - 1) Before issuance or renewal of a Certificate of Authorization, the repair organization must meet all requirements including an acceptable Quality Control System, outlined in a written Quality

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- Control System Manual, which shall include material control, fabrication, welding, nondestructive examination, testing and inspection.
- 2) The Quality Control System Manual shall also include provisions for making revisions, posting and dating changes in the program enabling the System to be kept current as required.
- 3) The description and information relating to the System may be brief or voluminous, depending upon the circumstances.
- 4) In general, the Quality Control System Manual shall describe and explain what documents and procedures the repair firm will use to validate a repair.
- 5) A review of the repair organization's Quality Control System and Manual will be performed by a representative of the Division. The review will include a demonstration of the implementation of the provisions of the repair organization's Quality Control System.
- 6) Each repair organization to which a Certificate of Authorization is issued shall maintain thereafter an up-to-date copy of its accepted Quality Control System Manual and keep a current copy on file with the Division. Revisions to the Manual shall not be implemented until such revisions are accepted by the Division.
- b) The following sets the minimum requirements for a Quality Control System for repairs of boilers and pressure vessels. Each repair organization shall develop its own Quality Control System which is designed to meet the requirements of the organization. Requirements for the individual Quality Control System Manuals include:
 - 1) Title Page - The title page shall include the name and address of the repair organization to which the Certificate of Authorization is to be issued. It shall also list the Sections of the ASME Code to which the repairs apply.
 - 2) Revision Log - A revision log is required to assure control over revisions in the Quality Control System Manual. The log shall contain sufficient space for date, description and section of revision, repair organization approval and Division acceptance.
 - 3) Contents Page - The contents page shall list and reference, by paragraph and page number, the subjects and exhibits contained within the System.
 - 4) Statement of Authority and Responsibility - A statement of authority and responsibility shall appear on organization letterhead, dated and signed by an officer of the organization:
 - A) Directing that disagreements in the implementation of the written Quality Control System shall be referred to a higher authority in the organization for resolution; and
 - B) Listing the title of the individual authorized to approve revisions to the written Quality Control System Manual and the method by which such revisions are to be submitted to the Division for acceptance before implementation.
 - 5) Organizational Chart - The organizational chart shall include all

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departments or divisions within the repair organization that perform functions affecting the quality of the repair and show the relationship.

- 6) Scope of Work - The scope of work section shall clearly indicate the scope and type of repairs the organization is capable of and intends to perform. The scope can be limited by engineering, machine tools, welding processes, heat treatment facilities, testing facilities, nondestructive examination (NDE) techniques or qualified personnel.
- 7) Drawings and Specification Control - The drawings and specification control system shall provide procedures assuring that the latest applicable drawings, specifications and instructions required are used for repair, inspection and testing.
- 8) Material Control - The material control section shall describe procurement of material with request for mill test certification as required. It shall describe receiving, storage and issuance, as well as the following:
 - A) The title of the individual responsible for the procurement of all material.
 - B) The title of the individual responsible for certification and other records as required.
 - C) Procedures for checking all incoming material and parts for conformance with the purchase order and, where applicable, the material specifications or drawings. The material section shall indicate how the material or part is identified and how identity is maintained by the Quality Control System.
- 9) Repair and Inspection Program - The repair and inspection program section shall include reference to a document (such as a report, traveler or checklist) which outlines the specific repair and inspection procedures used in the repair. The document shall be retained for a period of at least five (5) years. The document shall include the material check and a description of items such as the welding procedure specifications (WPS), fit-ups, NDE technique, heat treatment, and hydrostatic/pneumatic pressure test methods used. There shall be a space for "sign-offs" at each operation to verify that each step has been properly performed.
- 10) Welding, NDE and Heat Treatment - The Quality Control System Manual shall indicate the title of the person(s) responsible for the development and approval of the welding procedure, specifications, and their qualifications as well as the qualifications of welders and welding operators. Welding procedure, specifications, welders and welding operators shall be qualified under the requirements specified in the ASME Boiler and Pressure Vessel Code, Section IX. Similarly, NDE and heat treatment techniques must be described in the Quality Control System Manual. When outside services are used, the contracted

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service provider shall perform in accordance with the Quality Control System Manual and shall meet the requirements of the applicable section of the ASME Code.

- 11) Calibration of Measurement and Test Gauges - The calibration of measurement and test gauges system shall include the periodic (indicate time schedule) calibration of measuring instruments and pressure gauges.
 - A) Pressure gauges are to be checked periodically by the person authorized (indicate title). The method of gauge testing is to be indicated and results recorded.
 - B) Periodically, all master instruments shall be calibrated, preferably but not necessarily, to measuring equipment that is traceable to the National Bureau of Standards.
- 12) Nonconformities - The system shall establish measures for the identification, documentation, evaluation, segregation and disposition of nonconformities. A nonconformity is a condition of any material, item, product or process in which one or more characteristics do not conform to the established requirements. These may include, but are not limited to, data discrepancies, procedural and/or documentation deficiencies or material defects. Also, the title(s) of the individual(s) involved in this process shall be included.
- 13) Controlled Copy - An up-to-date copy of the written Quality Control Systems Manual shall be submitted to the Division for review and acceptance. Revisions shall also be submitted for acceptance prior to being implemented.
- 14) Sample Forms - Forms used in the Quality Control System shall be included in the Manual with a written description. Forms exhibited shall be marked "SAMPLE" and completed in a manner typical of actual repair procedures.
- 15) Individuality Important - It is extremely important that the Quality Control System and Manual be tailored to the operations of the individual repair organization while meeting the requirements of this Subpart.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART D: STATE SPECIALS

Section 120.1100 Procedure for the Issuance of a State State's Special Permit Permits

- a) The Board of Boiler and Pressure Vessel Safety may issue special permits for boilers and pressure vessels which for some reason were not or cannot be constructed in accordance with an applicable ASME Code.
- b) Individuals, corporations, partnerships, joint ventures, and other

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entities may petition ~~request-of~~ the Board, at least 30 days ~~one-month~~ prior to the next meeting of the Board, for a permit for the installation of an object not constructed in accordance with the applicable ASME Code.

- c) The Board may grant a special installation permit upon consideration of the following ~~items-of~~ information that must be submitted by the petitioner ~~required-to-be-submitted-by-the-applicant~~:

1) A statement of relief sought with all specific information as to why a State Special is requested. This statement must be signed by either:

- A) An attorney licensed to practice law in the State of Illinois, including the attorney's license number.
- B) An officer of the corporation, indicating the office, if the entity seeking the State Special is a corporation.
- C) The owner or partner, if the entity seeking the State Special is a sole proprietorship or a partnership, respectively.

2) Full details of design and construction showing equivalency to the ASME Code.

3) All data pertaining to the physical and chemical properties of all material used in construction.

4) All calculations showing in detail how the maximum allowable working pressure was derived.

5) A report showing in detail the purposes for which the object is to be used.

6) Any other information the Board may deem necessary to make a decision.

7) ~~The applicant shall provide full details of design and construction showing equivalency to the ASME Code.~~

8) ~~The applicant shall provide data relating to the physical and chemical properties of all materials used in construction.~~

9) ~~All calculations must be presented showing in detail how the maximum allowable working pressure was derived.~~

10) ~~An authentic test record must be provided on all non-code materials used in construction.~~

11) ~~Other materials as the Board deems necessary.~~

12) ~~10 copies shall be provided.~~

- d) The Board may, by regulation, issue special installation permits to a class of objects meeting the above criteria when it deems that the public interest would be best served by application of the class of objects rather than individual case-by-case determination.

e) The Board may, as a condition to issuance of a special permit, require the installation of additional safety features or prescribe certain prescribed operating procedures to be followed ~~for objects to be issued a special permit~~. The Board will use relevant safety data in determining the need for additional installation of safety features or special operating procedures ~~operating features~~.

f) All information requested by the Board shall be sent to the Division

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of Boiler and Pressure Vessel Safety with 10 copies provided.

- g) In addition to the above requirements, the petitioner will be required to provide a certified stenographic reporter at the hearing at their expense and one copy of the original transcript of the proceedings shall be sent to the Board. If a special meeting is necessary, the petitioner must agree to pay all travel and costs associated with the special meeting.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: REPAIR OF SAFETY AND SAFETY RELIEF VALVES

Section 120.1260 Quality Control System

a) General

1) Before issuance or renewal of the Certificate of Authorization, the applicant must meet all requirements including an acceptable written Quality Control System which shall include, but not be limited to, material control, fabrication, welding, nondestructive examination, testing and inspection.

2) The written Quality Control System shall also include provisions for making revisions, posting and dating changes in the program enabling the system to be kept current as required.

3) The description and information of the system may be brief or voluminous, depending upon the circumstances.

4) In general, the Quality Control System shall describe and explain what documents and procedures the repair firm will use to validate a valve repair.

5) A review of the applicant's Quality Control System will be performed by a representative of the Division. The review will include a demonstration of the implementation of the provisions of the applicant's Quality Control system.

6) Each applicant to whom a Certificate of Authorization is issued shall maintain thereafter an up to date copy of his accepted Quality Control System Manual with the Division. Revisions to the Quality Control System Manual shall not be implemented until such revisions are accepted by the Division.

b) The following are the minimum requirements of the Division for a written Quality Control System for repairs of ASME safety and safety relief valves. It is essential that each valve repair organization develop its own Quality Control System which meets the requirements of its organization. For this reason, it is not possible to develop one Quality Control System which could apply to more than one organization. Some of these requirements are:

- 1) Title Page - The title page shall include the name and address of the company to which the Certificate of Authorization is to be issued. It shall also list the Sections of the ASME Code to

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- which the repairs will apply.
- 2) Revision Log - A revision log is required to assure revision control of the Quality Control System Manual. The log shall contain sufficient space for date, description and section of revision, company approval and Division acceptance.
 - 3) Contents page - The contents page shall list and reference, by paragraph and page number, the subjects and exhibits contained therein.
 - 4) Statement of Authority and Responsibility - A statement of authority and responsibility shall appear on company letterhead, dated and signed by an officer of the company verifying the following:
 - A) If there is a disagreement in the implementation of the written Quality Control System, the matter is referred to a higher authority in the company for resolution; and
 - B) The title of the individual authorized to approve revisions to the written Quality Control System and the method by which such revisions are to be submitted to the Division for acceptance before implementation.
 - 5) Organizational Chart - The organizational chart shall include all departments or divisions within the company that perform functions affecting the quality of the valve repair and show the relationship.
 - 6) Scope of Work - The scope of work section shall clearly indicate the scope and type of valve repairs the organization is capable of and intends to carry out, and shall include the type and sizes of valves which can be repaired. In addition, the testing media (steam, air, water, etc.) and pressure ranges should be included. The scope can be limited by engineering, machine tools, welding processes, heat treatment facilities, testing facilities, non-destructive examination (NDE) techniques or qualified personnel.
 - 7) Drawings and Specification Control - The drawings and specification control system shall provide procedures assuring that the latest applicable drawings, specifications and instructions required are used for valve repair, inspection and testing.
 - A) Specific reference shall be made to the materials used for the repair of the various valve parts (PG-73.2.3, Section I and UG-136 (b)(3), Section VIII, Division 1 of the ASME Code).
 - B) Mechanical requirements shall comply with the ASME Code.
 - 8) Material and Part Control - The material and part control section shall describe procurement of parts from the valve manufacturer, if applicable, and of material with request for mill test certification as required. It shall also describe receiving, storage and issuance as well as the following:
 - 10) Welding, NDE and Heat Treatment (when applicable) - When welded repairs are made by the Certificate holder, the Quality Control System Manual shall indicate the title of the person(s) responsible for the development and approval of the welding procedure specifications and their qualifications, and the qualifications of welders and welding operators. Welding procedures specifications and welders and welding operators shall be qualified to the requirements of the ASME Boiler and Pressure Vessel Code, Section IX. Similarly, NDE and heat treatment techniques must be covered in the Quality Control System Manual. When outside services are used, the Quality Control System Manual shall describe the system, whereby the use of such services meet the requirements of the applicable section of the ASME Code.
 - 11) Valve Testing and Setting - The Quality Control System Manual shall include provisions that each valve shall be tested, set and all external adjustments sealed according to the requirements of the applicable ASME Code Section. The seal shall identify the

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- A) State the title of the individual responsible for the procurement of all material and parts.
- B) State the title of the individual responsible for certification and other records as required.
- C) All incoming material and parts shall be checked for conformance with the purchase order and, where applicable, the material specifications or drawings. Indicate how material or part is identified and how identity is maintained by the Quality Control System.
- D) All critical parts shall be fabricated by the valve manufacturer or to his specifications. Critical parts are defined as any part which may affect the flow passage, capacity, pressure rating or valve function.
- 9) Repair and Inspection Program - The repair and inspection program section shall include reference to a document (such as a report, traveler or checklist) which outlines the specific repair and inspection procedures to be used in the repair of safety and safety relief valves. Provisions shall be made to retain this document for a period of at least five (5) years as a part of quality control traceability documents.
 - A) Each valve or group of valves shall be accompanied by the document referred to above for processing through the plant.
 - B) The document referred to above shall include material check, reference to items such as the welding procedure specifications (WPS), fit-ups, NDE technique, heat treatment, and pressure test methods to be used. There shall be a space for "sign-offs" at each operation to verify that each step has been properly performed for each valve.
 - C) The system shall include a method of controlling the repair or replacement of critical valve parts. The method of identifying each spring shall be indicated.
- 10) Welding, NDE and Heat Treatment (when applicable) - When welded repairs are made by the Certificate holder, the Quality Control System Manual shall indicate the title of the person(s) responsible for the development and approval of the welding procedure specifications and their qualifications, and the qualifications of welders and welding operators. Welding procedures specifications and welders and welding operators shall be qualified to the requirements of the ASME Boiler and Pressure Vessel Code, Section IX. Similarly, NDE and heat treatment techniques must be covered in the Quality Control System Manual. When outside services are used, the Quality Control System Manual shall describe the system, whereby the use of such services meet the requirements of the applicable section of the ASME Code.
- 11) Valve Testing and Setting - The Quality Control System Manual shall include provisions that each valve shall be tested, set and all external adjustments sealed according to the requirements of the applicable ASME Code Section. The seal shall identify the

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- repair organization. Abbreviations or initials are permitted.
- 12) Valve Repair Nameplates - An effective valve stamping system shall be established to ensure proper stamping of each valve as required by Section 120.1270. The Quality Control System Manual shall include a description of the nameplate or a drawing.
- 13) Calibration of Measurement and Test Gauges - The calibration of measurement and test gauges system shall include the periodic calibration of measuring instruments and pressure gauges.
- A) Pressure gauges used for setting valves are to be checked periodically (indicate time schedule) by the person authorized (indicate title). The method of gauge testing is to be indicated and results recorded.
- B) Periodically, all master instruments shall be calibrated preferably but not necessarily to measuring equipment traceable to the National Bureau of Standards.
- 14) Controlled Copy - An up to date copy of the written Quality Control System Manual shall be submitted to the Division for review and acceptance. Revisions shall also be submitted for acceptance prior to being implemented.
- 15) Nonconformities - The system shall establish measures for the identification, documentation, evaluation, segregation and disposition of nonconformities. A nonconformity is a condition of any material, item, product or process in which one or more characteristics do not conform to the established requirements. These may include, but are not limited to, data discrepancies, procedural and/or documentation deficiencies or material defects. Also, the title(s) of the individual(s) involved in this process shall be included.
- 16) Sample Forms - Forms used in the Quality Control System shall be included in the manual with a written description. Forms exhibited shall be marked "SAMPLE" and completed in a manner typical of actual valve repair procedures.
- 17) Individuality Important - It is extremely important that the manual describe and the operation implement the system of each repair organization firm while meeting the requirements of this Subpart.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 120. APPENDIX A Operational and Maintenance Log Examples of Repairs and Alterations--(Repeated)

Section 120. EXHIBIT A Hot Water Heating Boilers

Operational and Maintenance Log Hot Water Heating Boilers		Building Address		Month Fuel Type Illinois No.	
Person(s) to be Notified in Emergency (Name and Telephone No.)					
		CHECKS (Enter Date)			
(1) Record Pressure					
(2) Record Boiler Water Temp					
(3) Record Flue Gas Temp					
		CHECKS (Enter Date)			
(1) Observe Flame Condition		WEEK 1		WEEK 2	
(2) Observe Circulating Pumps				WEEK 3	
				WEEK 4	
(1) Manual Lift Safety Valve				CHECKS (Enter Date)	
(2) Review Condition of or Test Each Item		(A) Flame Detection Devices (B) Limit Controls (C) Operating Controls (D) Floor Drains (E) Fuel Piping		(F) Refractory (G) Stop Valves (H) Check Valves (I) Drain Valves (J) Linkages	
(3) Observe Gage Glass on Expansion Tank					
(4) Combustion Air Adequate/Unobstructed					
General Comments					

Exhibit 1

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(Source: Added at 22 Ill. Reg. _____, effective _____)

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Section 120. EXHIBIT B Steam Heating Boilers



OFFICE OF THE STATE FIRE MARSHAL
DIVISION OF BOILER AND PRESSURE VESSEL SAFETY
1035 STEVENSON DRIVE
SPRINGFIELD, IL 62703-4259
(217)782 2696
FAX: (217)782 1062

Operational and Maintenance Log		Month	Year
Steam Heating Boilers		Fuel Type	Boiler No.
1. Inspect Fuel Oil Storage Tank and Transfer System		CHECKS (Enter Date)	
		1	2
11) Observe Water Level			
12) Record Pressure			
13) Record Flue Gas Temp			
14) Test Low Water Cutoff			
15) Test Safety Valve			
16) Test Each Item			
17) Inspect Fuel Piping			
18) Combustion Air Adequate			
19) Test Each Item			
20) Inspect Fuel Piping			
21) Combustion Air Adequate			
22) Test Each Item			
23) Inspect Fuel Piping			
24) Combustion Air Adequate			
25) Test Each Item			
26) Inspect Fuel Piping			
27) Combustion Air Adequate			
28) Test Each Item			
29) Inspect Fuel Piping			
30) Combustion Air Adequate			
31) Test Each Item			
32) Inspect Fuel Piping			
33) Combustion Air Adequate			
34) Test Each Item			
35) Inspect Fuel Piping			
36) Combustion Air Adequate			
37) Test Each Item			
38) Inspect Fuel Piping			
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40) Test Each Item			
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85) Test Each Item			
86) Inspect Fuel Piping			
87) Combustion Air Adequate			
88) Test Each Item			
89) Inspect Fuel Piping			
90) Combustion Air Adequate			
91) Test Each Item			
92) Inspect Fuel Piping			
93) Combustion Air Adequate			
94) Test Each Item			
95) Inspect Fuel Piping			
96) Combustion Air Adequate			
97) Test Each Item			
98) Inspect Fuel Piping			
99) Combustion Air Adequate			
100) Test Each Item			

Exhibit 2

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATIONS

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Veterinary Medicine and Surgery Practice Act of 1994

2) Code Citation: 68 Ill. Adm. Code 1500

3) Section Numbers: Proposed Action:
 1500.5 Amendment
 1500.10 Amendment
 1500.11 Amendment
 1500.20 Amendment
 1500.30 Amendment
 1500.35 Amendment
 1500.49 New Section

4) Statutory Authority: Veterinary Medicine and Surgery Practice Act of 1994
 (225 ILCS 115)

5) A Complete Description of the Subjects and Issues Involved: Public Act 90-52 directed the Department to promulgate rules to define supervision by a licensed veterinarian of licensed and unlicensed individuals and to clarify requirements for licensure for graduates of unapproved programs. This rulemaking implements these provisions. It also makes various technical and stylistic changes.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield IL 62786
 217/785-0813
 Fax #: 217/782-7645

All written comments received within 45 days after this issue of the Illinois Register will be considered.

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12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those offering the services of a veterinarian.
- B) Reporting, bookkeeping or other procedures required for compliance: Appropriate records shall be maintained by the licensed veterinarian that include evidence of a veterinarian-client-patient relationship, diagnosis, and referral.
- C) Types of professional skills necessary for compliance: Veterinary medical skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATIONS

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1500

VETERINARY MEDICINE AND SURGERY PRACTICE ACT OF 1994

Section

- 1500.5 Approved Veterinary Medicine and Surgery Programs
- 1500.10 Application for Examination by Graduates of Approved Programs
- 1500.11 Application by Graduates of Unapproved Programs
- 1500.15 Temporary Permit
- 1500.20 Examination
- 1500.25 Continuing Education
- 1500.30 Endorsement
- 1500.35 Restoration
- 1500.45 Renewals
- 1500.49 Supervision
- 1500.50 Standards of Professional Conduct
- 1500.51 Impaired Veterinarian Program of Care, Counseling or Treatment
- 1500.55 Advertising
- 1500.60 Conduct of Hearings (Repealed)
- 1500.65 Annual Report of Board
- 1500.70 Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Veterinary Medicine and Surgery Practice Act, effective January 1, 1984; amended at 2 Ill. Reg. 23, P. 13, effective June 10, 1978; codified at 5 Ill. Reg. 11070; amended at 6 Ill. Reg. 2004, effective January 30, 1982; Part repealed, new Part adopted at 9 Ill. Reg. 16327, effective October 10, 1985; amended at 11 Ill. Reg. 20966, effective December 9, 1987; transferred from Chapter I, 68 Ill. Adm. Code 500 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1500 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2982; amended at 13 Ill. Reg. 3826, effective March 10, 1989; amended at 15 Ill. Reg. 16702, effective October 30, 1991; amended at 18 Ill. Reg. 11212, effective June 30, 1994; amended at 19 Ill. Reg. 12488, effective August 18, 1995; amended at 22 Ill. Reg. _____, effective _____.

Section 1500.5 Approved Veterinary Medicine and Surgery Programs

- a) Approved Veterinary Medicine and Surgery Programs
- 1) The Department of Professional Regulation (the Department) shall approve a veterinary medicine and surgery program as reputable

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and in good standing if it meets the following minimum criteria:

- A) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the Doctor of Veterinary Medicine degree or its equivalent.
- B) Has a faculty that consists of a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area(s) of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions.
- C) Has a curriculum of at least 4 academic years, including at least the following subject areas, as applied to the various species of animals:

Anatomy
Anesthesiology
Applied Clinical Training
Clinical Chemistry
Epidemiology
Federal and State Laws
Food Quality and Safety
General and Special Pathology
Immunology
Internal Medicine
Meat-and-Milk-Hygiene
Microbiology
Nutrition
Parasitology
Pharmacology
Physiology
Preventive Medicine
Professional Ethics
Radiology
Surgery and Obstetrics

- D) Accepts only persons who have graduated from accredited high schools or who have obtained equivalent education through such programs as the General Education Development Examination, and have successfully completed at least 2 years of pre-veterinary collegiate training in an accredited college or university.
 - E) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
 - F) Maintains or is formally affiliated with a hospital for the care and treatment of animals, which provides a sufficient number and variety of surgical and medical cases for the students' clinical instruction.
- 2) In determining whether a program should be approved, the Department shall take into consideration but not be bound by

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accreditation or approval by the American Veterinary Medical Association.

- 3) The Department has determined that all veterinary medicine and surgery programs accredited or approved by the American Veterinary Medical Association (AVMA) as of August 1, 1998 1999, meet the minimum criteria set forth in subsection (a)(1) above and are, therefore, approved.

b) Withdrawal of Approval

- 1) The Director may withdraw, suspend or place on probation the approval of a veterinary medicine and surgery program when the quality of the program has been materially affected by any of the following causes:

- A) Gross or repeated violations of any provision of the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115] (the Act);
- B) Gross or repeated violations of any portion of this part;
- C) Fraud or dishonesty in furnishing documentation for evaluation of the program; or
- D) Failure to continue to meet the criteria of an approved program as set out in this Section.

- 2) The officials in charge of a veterinary medicine and surgery program whose approval is being reconsidered by the Department shall be given written notice prior to action by the Department and such officials may either submit written comments or request a hearing before the Veterinarian Licensing and Disciplinary Board (the Board).

c) Program Evaluation

- 1) An applicant from a program that has not been evaluated will be requested by the Department to provide documentation concerning the criteria in this Section.

- 2) Once the Department has received the documentation or after 6 months have elapsed from the date of application, whichever is later, the Department will evaluate the program based on all documentation forwarded from the school and any additional information the Department has received that it deems to be reliable.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1500.10 Application for Examination by Graduates of Approved Programs

- a) An applicant for examination for licensure to practice veterinary medicine and surgery who is a graduate of an approved program of veterinary medicine and surgery that meets the requirements set forth in Section 1500.5 shall file an application with the Department or its designated testing service on forms supplied by the Department at least 60 days prior to an examination date. The application shall

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include:

- 1) A complete work history indicating all employment since graduation from an approved veterinary program to the time of application;
- 2) Certification of successful completion of at least 2 years of pre-veterinary collegiate training, and graduation from an approved program of veterinary medicine and surgery;
- 3) The required fee specified in Section 14 of the Act; and
- 4) Certification of licensure from the jurisdiction of original and current licensure, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of any disciplinary actions taken or pending.

b) Examination prior to graduation

- 1) An applicant enrolled in an approved veterinary program will be admitted to an the--May--or--December examination prior to graduation if he/she provides certification from the college of veterinary medicine from which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination(s) shall be void.
- 2) The results of such examination(s) shall be made available to the applicant but no license shall be issued until the Department has received certification of the applicant's graduation, within 90 days after of the scheduled graduation date specified in subsection (b)(1) above.
- 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Department or its designated testing service prior to taking the next examination.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1500.11 Application by Graduates of Unapproved Programs

- a) An applicant for licensure who is a graduate of an unapproved program of veterinary medicine and surgery must hold a certificate from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG). Application shall be filed on forms supplied by the Department and shall be accompanied by the following:
 - 1) A complete work history indicating employment since graduation from an approved veterinary program to the time of application.
 - 2) An original certificate from the ECFVG indicating completion of

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the proficiency examination or the completion of 1 year of clinical experience.

- 3) The required fee specified in Section 14 of the Act.
- 4) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed the jurisdiction--of--original--and--current--licensure, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- 5) Applicants who submit any document in a foreign language shall submit an original, notarized English translation.
- b) Scores--obtained--by--ECFVG--candidates--taking--the--National--Board Examination--(NBB)--and--the--Clinical--Competency--Test--(CGT)--will--be registered--with--the--Interstate-Reporting-Service--in--New--York--At such time as a foreign graduate obtains the ECFVG certificate and applies for licensure in Illinois the scores shall be sent to the Department directly from the reporting entity. The passing score on the examinations shall be the passing scores established by the testing entity. Prior to January 1994, the passing score on the examination was a converted score of 75 based on 1.5 standard deviations below the mean.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1500.20 Examination

- a) The examination(s) for licensure shall be provided by the National Board Examination Committee for Veterinary Medicine. of--the--National Board--of--Veterinary-Medicine--Examiners--(NBB)--and--the--Clinical Competency--Test--(CGT)--which--shall--be--as--follows:
 - 1) National-Board-Examination
 - A) Pre-Clinical--(anatomy,--physiology,--disease--processes, etiology--agents,--pharmacology,--toxicology,--immunology)
 - B) Clinical--(diagnostics,--therapeutics,--medicine,--surgery, animal--production)
 - C) Other--(public-health,--preventive-medicine,--jurisprudence)
 - 2) Clinical--Competency--Test--(large--animal--medicine,--state--and federal--animal--regulation,--pathology,--parasitology,--dermatology, small--animal--medicine--surgery)
- b) The passing score for the examinations each examination shall be the passing score established by the testing entity. Prior to January 1994, the passing score on the National Board examination and the

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Clinical Competency Examination was a total converted score of 75 based on 1.5 standard deviations below the mean.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1500.30 Endorsement

a) An applicant who is licensed under the laws of another jurisdiction state-or-territory of the United States shall file an application with the Department, together with:

1) A certification from the licensing authority of all jurisdictions in which the applicant has ever been licensed and is currently licensed the-state-or-territory-of-original-licensure, stating:

A) The time during which the applicant was licensed;

B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;

C) A brief description of the examination and the grades received;

2) A complete work history indicating all employment since graduation from an approved veterinary program to the time of application;

3) Certification of successful completion of at least 2 years of pre-veterinary collegiate training and graduation from an approved program of veterinary medicine and surgery; and

4) The required fee set forth in Section 14 of the Act.

b) The Department shall examine each application to determine compliance with Section 13 of the Act. The applicant may be required to appear before the Board:

1) To clarify or explain information contained on the submitted documentation; or

2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1500.35 Restoration

a) A licensee seeking restoration of a license that has been expired for 5 years or less than--5-years shall have the license restored upon payment of \$10 plus all lapsed renewal fees as specified in Section 14 of the Act and proof of completion of the continuing education requirements set forth in Section 1500.25 for a single renewal period.

b) A licensee seeking restoration of a license that has been expired or in inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee specified in Section 14 of the Act. The licensee shall also submit either:

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1) Sworn evidence of active practice in another jurisdiction. This evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;

2) An affidavit attesting to military service as provided in Section 15 of the Act; or

3) Evidence of other experience within the profession, other than active practice (such as research, teaching or publishing) during the time when the license was expired, and proof of completion of the continuing education requirements for a single renewal period.

c) A licensee seeking restoration of a license that has been on inactive status for 5 years or less than-5-years shall file an application, on forms provided by the Department, together with proof of completion of continuing education requirements for a single renewal period and the current renewal fee.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

1) Provide such information as may be necessary; and/or

2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1500.49 Supervision

Section 4 of the Act states that members of other licensed professions or any other individuals when called for consultation and assistance by a veterinarian licensed in the State of Illinois and who act under the supervision, direction, and control of the veterinarian are exempt from licensure. The licensed veterinarian shall assume responsibility for the referral.

a) Supervision, as applied to this provision, means general supervision. General supervision means that the licensed veterinarian is accessible to the individual under his/her supervision.

b) The following protocols shall be followed in order for licensed professionals or other individuals to work under the supervision of a licensed veterinarian:

1) An established veterinarian-client-patient relationship shall exist;

2) A written or oral consent from the client shall exist; and

3) Appropriate records are maintained by the licensed veterinarian that include written evidence of a veterinarian-client-patient

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relationship, diagnosis and referral.

(Source: Added at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Home Health Agency Code

2) Code Citation: 77 Ill. Adm. Code 245

3) Section Numbers: Proposed Action:
245.50 Amendments

4) Statutory Authority: Home Health Agency Licensing Act [210 ILCS 55]

5) A Complete Description of the Subjects and Issues Involved: The rules in Part 245 regulate the licensure of home health agencies. Section 245.50 is being amended to change the time period by which verbal medication orders must be signed by the patient's physician or podiatrist from 7 to 14 days. This change will provide consistency with requirements for other orders, which require a physician's or podiatrist's signature within 14 days. Home health agencies are also finding it hard to meet the 7-day deadline. The requirements for clinical records are being amended to change from 60 to 62 days the time period for sending written summary reports to the patient's physician or podiatrist. This change is for consistency with federal requirements.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately 6 to 9 months after publication of this notice in the *Illinois Register*.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? No

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Ms. Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS
TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 245
ILLINOIS HOME HEALTH AGENCY CODE
SUBPART A: GENERAL PROVISIONS

Section	Purpose
245.10	Definitions
245.20	Incorporated and Referenced Materials
245.25	

SUBPART B: OPERATIONAL REQUIREMENTS

Section	Organization and Administration
245.30	Staffing and Staff Responsibilities
245.40	Services
245.50	Annual Financial Statement
245.60	Home Health Aide Training
245.70	Health Care Worker Background Check
245.72	

SUBPART C: LICENSURE PROCEDURES

Section	Licensure Required
245.80	License Application
245.90	Provisional License
245.100	Inspections and Investigations
245.110	Violations
245.120	Adverse Licensure Actions
245.130	Penalties and Fines
245.140	Hearings
245.150	

AUTHORITY: Implementing and authorized by the Home Health Agency Licensing Act [210 ILCS 55].

SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14

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Springfield, Illinois 62761
217/782-2043
E-mail:rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Home health agencies
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Preparation of written reports summarizing services provided, patient status, and treatment recommendations
- C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent regulatory agendas because: the Department did not anticipate the need for this rulemaking when the Regulatory Agendas were published.

The full text of the Proposed Amendments begins on the next page:

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Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 488, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3273, effective February 15, 1996; amended at 20 Ill. Reg. 10033, effective July 15, 1996; amended at 22 Ill. Reg. 3948, effective February 13, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART B: OPERATIONAL REQUIREMENTS

Section 245.50 Services

a) Services Provided

1) Each agency shall provide skilled nursing service and at least one other home health service on a part-time or intermittent basis. The basic skilled nursing service shall be provided directly by agency staff. Other home health services may be provided by agency staff directly or provided--under--arrangement through a contractual purchase of services. Additional skilled specialty nursing services and use of additional nursing staff meet changes in caseload may be provided by contract. A. services shall be provided in accordance with the orders of the patient's physician or podiatrist, under a plan of treatment established by such physician or podiatrist, and under the supervision of agency staff.

2) The agency shall state in writing what services will be provided directly and what services will be provided under contractual arrangements.

3) Services provided under contractual arrangements shall be through a written agreement that includes but is not limited to the following:

- A) Services to be provided.
- B) Provision for adherence to all applicable agency policies and personnel requirements, including requirements for initial health evaluations and employee health policies.
- C) Designation of full responsibility for agency control over contracted services.
- D) Procedures for submitting clinical and progress notes.
- E) Charges for contracted services.
- F) Statement of responsibility of liability and insurance coverage.
- G) Period of time in effect.
- H) Date and signatures of appropriate authorities.
- I) Provision for termination.
- b) Acceptance of Patients. Patient acceptance and discharge policies shall include but not be limited to the following:
 - 1) Persons shall be accepted for health service on a part-time or intermittent basis upon a plan of treatment established by the

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patient's physician or podiatrist. This plan shall be in reduced to writing within 14 days.

2) Prior to acceptance, the person shall be informed of the agency's charges for the various services that it offers.

3) No person shall be refused service because of age, race, color, sex, marital status, national origin or source of payment. An agency is not required to accept a patient whose source of payment is less than the cost of the service.

4) Patients are accepted for treatment on the basis of a reasonable expectation that the patient's medical, nursing, and social needs can be met adequately by the agency in the patient's place of residence.

5) When services are to be terminated by the home health agency, the patient is to be notified three working days in advance of the date of termination, stating the reason for termination. This information shall be documented in the clinical record. When indicated, a plan shall be developed or a referral made for any continuing care.

6) Services shall not be terminated until such time as the registered nurse, the appropriate therapist, or both, in consultation with the patient's physician or podiatrist, deem it appropriate or arrangements are made for continuing care.

c) Plan of Treatment

1) Skilled nursing and other home health services shall be in accordance with a plan based on the patient's diagnosis and assessment of the patient's immediate and long-range needs and resources. The plan of treatment is established in consultation with the home health services team, which includes the patient's physician or podiatrist, pertinent members of the agency staff, the patient and members of the patient's family. The plan of treatment shall include:

- A) Diagnoses.
- B) Functional limitations and rehabilitation potential.
- C) Expected outcomes for the patient.
- D) The patient's physician's physician or podiatrist's podiatrist regimen of:
 - i) Medications.
 - ii) Treatments.
 - iii) Activity.
 - iv) Diet.
 - v) Specific procedures deemed essential for the health and safety of the patient.
 - vi) Mental status.
 - vii) Frequency of visits.
 - viii) Equipment required.
 - ix) Instructions for timely discharge or referral.
- E) The patient's physician's or podiatrist's signature and date.

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- 2) Consultation with the patient's physician or podiatrist on any modifications in the plan of treatment deemed necessary shall be documented, and the patient's physician's or podiatrist's signature shall be obtained within 14 days after any modification of the medical plan of treatment.
- 3) The plan shall be reviewed by the home health services team every 62 days or more often should the patient's condition warrant.
- 4) An updated plan of treatment shall be given to the patient's physician or podiatrist for review, for any necessary revisions, and for signature every 62 days or more often as indicated.
- d) Patient Care Plan
 - 1) Home health services from members of the agency staff as well as those under contractual arrangements shall be given in accordance with the plan of treatment and the patient care plan. The patient care plan shall be written by appropriate members of the home health services team based upon the plan of treatment and an assessment of the patient's needs, resources, family and environment. The initial assessment is to be made by a registered nurse. Assessment by other members of the health services team shall be made on orders of the patient's physician or podiatrist or by request of a registered nurse.
 - 2) The patient care plan shall be updated as often as the patient's condition indicates. The plan shall be maintained as a permanent part of the patient's record. The patient care plan shall indicate:
 - A) Patient problems.
 - B) Patient's goals, family's goals, service goals.
 - C) Service approaches to modify or eliminate problems.
 - D) The staff responsible for a given element of service.
 - E) Anticipated outcome of service approach with an estimated time frame for completion.
 - F) Potential for discharge from service.
- e) Clinical Records. Each patient shall have a clinical record, identifiable for home health services and maintained by the agency in accordance with accepted professional standards. Clinical records shall contain:
 - 1) Appropriate identifying information for the patient, household members and caretakers, medical history and current findings.
 - 2) A plan of treatment signed by the patient's physician or podiatrist.
 - 3) A patient care plan ~~for the patient~~ developed by the home health services team that ~~which~~ is in accord with the patient's physician's or podiatrist's plan of treatment.
 - 4) A noted medication list with dates reviewed, revised and date sent to the patient's physician or podiatrist.
 - 5) Initial and periodic patient assessments by the registered nurse, which include documentation of the patient's functional status and eligibility for service.

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- 6) Assessments made by other members of the home health services team.
- 7) Signed and dated clinical notes for each contact, which are written the day of service and incorporated into the patient's clinical record at least weekly.
- 8) Reports on all patient home health care conferences.
- 9) Reports of contacts with the patient's physician or podiatrist by patient and staff.
- 10) Indication of supervision of home health services by the supervising nurse, a registered nurse, or other members of the home health services team.
- 11) Written summary reports sent to the patient's physician or podiatrist every 6260 days containing home health services provided, the patient's status, recommendations for revision of the plan of treatment and the need for continuation or termination of services noted.
- 12) Written and signed confirmation of the patient's physician's or podiatrist's interim verbal orders.
- 13) A discharge summary giving a brief review of service, patient status, reason or reasons for discharge and plans for post discharge needs of the patient.
- 14) A copy of appropriate patient transfer information, when requested, if the patient is transferred to another health facility or health agency.
- 15) Each agency shall have a written policy on records procedures and shall retain records for a minimum of five years beyond the last date of service provided. These procedures may include that the agency will utilize and maintain faxed copies of records from licensed professionals, rather than original records, provided that the faxed copies will be maintained on nonthermal paper and that the original records will be maintained for a period of five years by the professional who originated the records. If that professional is providing services through a contract with the agency, then the contract must include that the original records must be maintained for a period of five years by the professional.
- 16) Those agencies which are subject to the Local Records Act should note that except as otherwise provided by law, no public record shall be disposed of by any officer or agency unless the written approval of the appropriate Local Records Commission is first obtained. (Section 7 of the Local Records Act [50 ILCS 205/7])
- 17) Each agency shall have a written policy and procedure for the protection of confidentiality of patient records, which explains the use of records, removal of records and release of information.
- f) Drugs and Biologicals. The agency shall have written policies governing the supervision and administration of drugs and biologicals, which shall include but not be limited to the following:

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- 1) All orders for medications to be given shall be dated and signed by the patient's physician or podiatrist.
- 2) All orders for medications shall contain the name of the drug, dosage, frequency, method or site of injection and permission from the patient's physician or podiatrist if the patient, the patient's family, or both are to be taught to give medications.
- 3) The agency's physician or podiatrist or registered nurse shall check all medicines a patient may be taking to identify possible ineffective drug therapy or adverse reactions, significant side effects, drug allergies, and contraindicated medications and shall promptly report any problem to the patient's physician or podiatrist.
- 4) All verbal orders for medication or change in medication orders shall be taken by the registered nurse, written, ~~and reduced to writing~~ and signed by the patient's physician or podiatrist within ~~14~~ seven days.
- 5) When any experimental drug, sera, allergenic desensitizing agent, penicillin or any other potentially hazardous drug is administered, the registered nurse administering such drugs shall have an emergency plan and any drugs and devices that may be necessary in the event of a drug reaction.
- g) Evaluation. The home health agency shall have written policies and shall ~~is required to~~ make an overall evaluation of the agency's total program at least once a year. This evaluation shall be made by the Professional Advisory Group (or a committee of this group), home health agency staff, consumers, or representation from professional disciplines that are participating in the provision of home health services. The evaluation shall consist of an overall policy and administrative review and a clinical record review. The evaluation shall assess the extent to which the agency's program is appropriate, adequate, effective and efficient. Results of the evaluation shall be reported to and acted upon by those responsible for the operation of the agency and maintained separately as administrative records.
- h) Policy and Administrative Review. As a part of the evaluation process the policies and administrative practices of the agency shall be ~~are~~ reviewed to determine the extent to which they promote patient care that is appropriate, adequate, effective and efficient. Mechanisms shall be ~~are~~ established in writing for the collection of pertinent data to assist in evaluation. The data to be considered may include but are not limited to: number of patients receiving each service offered, number of patient visits, reasons for discharge, breakdown by diagnosis, sources of referral, number of patients not accepted with reasons and total staff days for each service offered.
- i) Clinical Record Review
 - 1) At least quarterly, members of professional disciplines representing at least the scope of the agency's programs, shall review a sample of both active and closed clinical records to

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- assure that established policies are followed in providing services (direct, as well as those under contractual arrangement). This review ~~shall~~ will include, but not be limited to, ~~the following~~:
- A) Whether the patient care plan was directly related to the stated diagnosis and plan of treatment;
 - B) Whether the frequency of visits was consistent with the plan of treatment;
 - C) Whether the services could have been provided in a shorter span of time.
 - 2) Clinical ~~there is a continuing review of clinical~~ records shall be reviewed continually for each 62 day period that a patient received home health services to determine the adequacy of the plan of treatment and the appropriateness of continuing home health continuation of care.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Health Facilities Planning Procedural Rules

2) Code Citation: 77 Ill. Adm. Code 1130

3) Section Number: Proposed Action:

1130.110	Amendment
1130.120	Amendment
1130.130	Amendment
1130.140	Amendment
1130.210	Amendment
1130.220	Amendment
1130.310	Amendment
1130.410	Amendment
1130.510	Amendment
1130.520	Amendment
1130.540	Amendment
1130.541	New Section
1130.542	New Section
1130.543	New Section
1130.560	Amendment
1130.570	Amendment
1130.610	Amendment
1130.620	Amendment
1130.640	Amendment
1130.650	Amendment
1130.660	Amendment
1130.670	Amendment
1130.680	Amendment
1130.710	Amendment
1130.720	Amendment
1130.730	Amendment
1130.740	Amendment
1130.750	Amendment
1130.Appendix A	Amendment

4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]

5) A Complete Description of the Subjects and Issues Involved: Changes to Part 1130 certificate of need procedural rules are proposed in the following areas: definitions, transactions subject to or exempt from review, the review and processing of applications for exemption or permit, and permit validity and reporting requirements. The proposed rules would modify the definition of change of ownership of a health care facility; create a definition for control of a health care facility; create a definition with respect to transactions undertaken by or on behalf of a health care facility; and add or clarify other definitions. Other changes clarify the requirements with respect to who is a necessary person to an

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application for permit or exemption; clarify which transactions are subject to certificate of need review (including changes of ownership); and establish exemptions for certain transactions relating to combined facility licensure, for temporary use of beds in demonstration programs, and for outpatient diagnostic and treatment centers. In addition, changes are proposed with respect to completion and modification requirements, as well as changes in processing alterations to, and obligations of, projects. The State Board proposed similar changes earlier this year and withdrew the proposed rulemaking following consideration of testimony received. This rulemaking addresses the testimony and clarifies various provisions of Part 1130.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporation by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: The purpose of the Illinois Health Facilities Planning Act (Planning Act) is to establish a procedure designed to contain health care costs by preventing unnecessary construction or modification of health care facilities. The proposed amendments and new Sections to Part 1130 will promote the statute's purpose of improving the "ability of the public to obtain necessary health services" and "establish an orderly and comprehensive health care delivery system which will guarantee the availability of quality health care to the general public" by assuring that transactions subject to the Act are processed, reviewed, and monitored in an effective manner.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Donald Jones
Health Facilities Planning Board
Illinois Department of Public Health
Division of Facilities Development
525 West Jefferson, Second Floor
Springfield, IL 62761
(217) 782-3516

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

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A public hearing will be held on Wednesday, May 13, 1998, at 1:30 p.m. at the Hilton Hotel, 700 East Adams Street, Springfield, Illinois. The hearing will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the State Board will follow these procedures in the conduct of the hearing:

- 1) Each person presenting oral testimony is requested to provide to the State Board a written (preferably typed) copy of such testimony at the time the oral testimony is presented.
- 2) No person will be recognized to speak for a second time until all persons wishing to testify have done so. The State Board may limit the time the hearing is open and limit the time of individual testimony based upon the number of persons wishing to testify. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.
- 3) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the State Board may impose such other rules of procedure, including the order of call of witnesses, as necessary.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Donald Jones at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small business, small municipalities and not for profit corporations affected: Health care facilities that meet the definition of small businesses.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begin on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES
PLANNING BOARD
SUBCHAPTER b: OTHER BOARD RULES

PART 1130

HEALTH FACILITIES PLANNING PROCEDURAL RULES

SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

Section	Statutory Authority/Applicability
1130.110	Public Hearings
1130.120	Purpose
1130.130	Definitions
1130.140	Incorporated Materials
1130.150	

SUBPART B: WHO IS SUBJECT TO THE HEALTH FACILITIES PLANNING ACT

Section	Persons Subject to the Act
1130.210	Necessary Parties to the Application for Permit or Exemption
1130.220	

SUBPART C: TRANSACTIONS SUBJECT TO REVIEW

Section	Transactions Subject to Review
1130.310	

SUBPART D: TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW

Section	Transactions Which Are Exempt from Review
1130.410	

SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

Section	Requirements for Exemptions Involving the Acquisition of Major Medical Equipment
1130.510	Requirements for Exemptions Involving the Change in Ownership of a Health Care Facility
1130.520	Requirements for Exemptions Involving Health Maintenance Organizations (Repealed)
1130.530	Requirements for Exemptions Involving Involuntary Discontinuation of Requirements for Exemptions for Combined Facility Licensure
1130.540	Requirements for Exemptions for Temporary Use of Beds for Demonstration Programs
1130.541	Requirements for Exemptions for Outpatient Diagnostic and Treatment Centers
1130.542	
1130.543	

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1130-.550 Agency Processing of an Application for Exemption
1130-.560 State Board Action
1130-.570 Validity of an Exemption

SUBPART F: PROCEDURAL REQUIREMENTS FOR THE REVIEW AND PROCESSING OF APPLICATIONS FOR PERMIT

Section
1130-.610 Duration of the Review Period and Time Frames
1130-.620 Consultation, Classification and Completeness Review
1130-.630 Agency Actions During the Review Period
1130-.640 Extension of the Review Period Prior to Initial State Board Action
1130-.650 Modification of an Application
1130-.660 Approval of an Application
1130-.670 Notice of Intent-to-Deny an Application
1130-.680 Denial of an Application

SUBPART G: PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION

Section
1130-.710 Validity of Permits
1130-.720 Authorization to Obligate and Obligation
1130-.730 Extension of the Obligation Period
1130-.740 Renewal of a Permit
1130-.750 Alteration of a Project for which a Permit Has Been Issued
1130-.760 Semi-Annual Progress Reports
1130-.770 Project Completion, Final Realized Costs and Cost Overruns
1130-.780 Revocation of a Permit
1130-.790 Penalties, Fines and Sanctions Mandated in the Illinois Health Facilities Planning Act for Non-compliance with the Act and the State Board's Rules

SUBPART H: DECLARATORY RULINGS

Section
1130-.810 Declaratory Rulings

APPENDIX A Annual Inflation Adjustments to Review Thresholds

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; emergency amendment at 15 Ill. Reg. 4787, effective March 18, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 9731, effective June 17, 1991; emergency amendments at 16 Ill. Reg. 13153, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 17 Ill. Reg. 4448, effective March 24, 1993; amended at 17 Ill. Reg. 5882, effective March 26,

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1993; amended at 19 Ill. Reg. 2972, effective March 1, 1995; expedited correction at 21 Ill. Reg. 3753, effective March 1, 1995; recodified at 20 Ill. Reg. 2597; emergency amendment at 21 Ill. Reg. 12671, effective September 2, 1997, for a maximum of 150 days; emergency expired January 30, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

Section 1130.110 Statutory Authority/Applicability

- a) This Part is promulgated by authority granted to the Illinois Department of Public Health--(Agency)--and--to--the Illinois Health Facilities Planning Board (State Board) under Public Act 78-1156, the Illinois Health Facilities Planning Act as amended (the Act) [20 ILCS 3960] (---Rev-Stat-1987-ch-111-pars-1151-et-seq-).
b) After May 1, 1990, Upon--the--effective--date--of--this--Part, all applications in the review process and all projects for which permits have been issued but which have not been completed shall be subject to the provisions of this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____.)

Section 1130.120 Public Hearings

Public hearings on this Part were held in accordance with the provisions of Section 12 of the Act. Copies of the public hearing records are available for inspection at the headquarters of the State Board at 525 535 West Jefferson Street, Springfield, Illinois 62761.

(Source: Amended at 22 Ill. Reg. _____, effective _____.)

Section 1130.130 Purpose

- a) The purpose of the Health Facilities Planning Act is to establish a procedure designed to reverse the trends of increasing costs of health care resulting from unnecessary construction of health care facilities. This program is established to improve the financial ability of the public to obtain necessary health services, and to establish an orderly and comprehensive health care delivery system which will guarantee the availability of quality health care [20 ILCS 3960/2] (Section-2-of-the-Act). Decisions regarding proposed new health services and facilities shall be made for reasons having to do with the community health needs in the various parts of the state. The burden of proof on all issues pertaining to an application shall be on the applicant.
b) The health facilities planning program shall be administered with the

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goal of containing capital investment and the objectives of:

- 1) Promoting development of more effective methods of delivering health care;
- 2) Improving distribution of health care facilities and services and insuring access to needed health care services for the general public;
- 3) Controlling the increase of health care costs;
- 4) Promoting planning for health care services at the facility, regional and state levels;
- 5) Maximizing the use of existing health care facilities and services which represent the least costly and most appropriate levels of care; and
- 6) Minimizing the unnecessary duplication of health care facilities and services.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.140 Definitions

Definitions pertaining to program components can be found in the "Act" and in 77 Ill. Adm. Code 1100 and 1110. Definitions which will assist in the understanding of this Part are presented below.

- a) Acquisition--or--Change--of--Ownership--means--a--change--in--the--person--who has--operational--control--of--an--existing--health--care--facility--Acquisition--or--change--of--ownership--is--indicated--by:
- 1) a--transfer--of--stock--or--assets--resulting--in--a--person--obtaining majority--interest--(i.e.--over--50%)--in--the--licensed--or--certified (if--the--facility--is--not--subject--to--licensure)--entity--within--a--one year--period;--or
 - 2) the--issuance--of--a--license--by--the--Agency--to--a--person--different from--the--current--licensee;--or
 - 3) the--issuance--of--a--provider--number--to--a--different--person--by certification--agencies--which--administer--titles--VIII--and--XIX--of the--Social--Security--Act--
- AGENCY-NRFB:--A--permit--or--exemption--is--required--prior--to--the acquisition--or--change--of--ownership--of--a--health--care--facility--
- b) "Alteration" means any revision or change to a project as detailed in the application that occurs after State Board issuance approval of the permit. Components--which--can--be--altered--include--size--number--of--beds, scope--of--services--to--be--provided,--cost--or--method--of--financing.-----The site--of--the--proposed--project--or--the--person(s)--who--is--(are)--the--permit holder--cannot--be--altered.

- e) "Applicant" means a person(s) who applies for a permit or exemption to construct or modify a health care facility or to acquire major medical equipment. See 77 Ill. Adm. Code 1130.220 to determine what parties

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are necessary for an application.

"Authorization to Obligate" means a permit holder is authorized by the State Board or Illinois Department of Public Health (IDPH) to proceed with the project approved by the State Board, and that the project has been found to be in conformance with the provisions of Section 1130.720. All projects, except no cost projects for discontinuation, are required to obtain an authorization to obligate.

"By or on Behalf of a Health Care Facility" means any proposed or incurred capital expenditure, gift, donation, or transfer of capital assets exceeding the capital expenditure minimum that is undertaken by any person and that directly or indirectly benefits a health care facility in its operation by enhancing its ability to deliver services to its patients.

- d) "Capital Expenditure" expenditure means an expenditure made by or on behalf of a health care facility (as such a facility is defined in the this Act), and which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part, and which exceeds the capital expenditure minimum. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditure minimum. Donations of equipment or facilities to a health care facility Health-Care-Facility which if acquired directly by such facility would be subject to review under the this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure if a transfer of the equipment or facilities at fair market value would be subject to review. [20 ILCS 3960/3] (Section-9-of-the-Act)

- e) "Capital Expenditure Minimum" means the dollar amount or value which would require a permit for capital projects and major medical equipment. Capital expenditure minimums are annually adjusted to reflect the increase in construction costs due to inflation per Section 1130.310.

- f) "Certified" or "Certification" means approval for a facility to receive reimbursement under Title XVIII and/or XIX of the Social Security Act (42 U.S.C.A 1395x).

"Change of Ownership" means a change in the person who has operational control of an existing health care facility or a change in the person

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who has ownership or control of a health care facility's physical plant and capital assets. A change of ownership is indicated by, but not limited to, the following transactions: sale, transfer, consolidation, acquisition, merger, leases, change of sponsorship or other means of transferring control. Examples of change of ownership include:

a transfer of stock or assets resulting in a person obtaining majority interest (i.e., over 50%) in the person who is licensed or certified (if the facility is not subject to licensure), or in the person who owns or controls the health care facility's physical plant and capital assets; or

the issuance of a license by IDPH to a person different from the current licensee; or

the issuance of a provider number to a different person by certification agencies that administer Titles XVII and XIX of the Social Security Act; or

a change in the membership or sponsorship of a not-for-profit corporation or a change of 50% or more of the voting members of a not-for-profit corporation's board of directors, during any consecutive 12 month period, that controls a health care facility's operations, license, certification or physical plant and capital assets; or

a change in the sponsorship or control of the person who is licensed or certified to operate, or who owns the physical plant and capital assets of, a governmental health care facility; or

any other transaction that results in a person obtaining control of a health care facility's operations or physical plant and capital assets including leases.

AGENCY NOTE: A permit or exemption is required prior to the change of ownership of a health care facility and prior to any person entering into a binding or enforceable contract to acquire control of an existing health care facility.

9† "Completion" or "Project Completion" means that the project has been brought to a conclusion, and that the State Board has determined that the finished project is or is not in accordance with what the State Board authorized, and that a project completion date has been established by the State Board. For projects that have documented compliance with the provisions of the permit as authorized by the State Board, the date of project completion is and:

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1† for projects with no cost that are limited to total discontinuation of a facility or of a category of service, the date the last patient is discharged or the date the permit for discontinuation is issued whichever comes later; or

2† for projects with no cost that are limited to a substantial change in beds pursuant to Section 100-220† in licensed long-term care facilities pursuant to 77-III-Adm-Code 100-220†, the date the Agency issues a revised license; or

3† for projects with no cost that are limited to a substantial change in beds pursuant to 77-III-Adm-Code 100-220† in licensed hospitals or in state-operated facilities, the date the Agency receives a revised physical plant survey or the date of permit issuance which ever is later; or

4† for projects limited to the establishment of a category of service, the date the first patient is treated or the date the Agency receives a report of final realized cost, whichever is later; or

5† for projects limited to the establishment of a health care facility, the date the health care facility is licensed or the date the Agency receives a report of final realized cost, whichever is later; or

6† for projects limited to the acquisition of major medical equipment, the date IDPH receives a report of final realized costs or the date the equipment is utilized to treat the first patient, whichever is later; or

for projects limited to the addition of beds or end-stage renal dialysis stations, the date the first patient is treated or the date IDPH receives a report of final realized cost, whichever is later; or

7† for all other projects including modernization of existing facilities, the date the Agency receives a report of final realized costs; or

8† for projects that the State Board has found not in compliance with the provisions of the permit as authorized by the State Board not in accordance with what the State Board authorized, including projects with cost overruns, the date of project completion established by the State Board determines the project is complete.

h† Consolidation means the combination of two or more existing health care facilities into a new health care facility terminating the

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existence--of--the--existing--or--original--facilities--(A--B--C)--
 Consolidation--results--in--the--establishment--of--a--health--care--facility
 within--the--meaning--of--the--Act--and--in--the--discontinuation--of--the
 existing--facilities--resulting--in--termination--of--license--for
 facilities--subject--to--license--or--the--loss--of--certification--for
 facilities--not--subject--to--license--in--example--consolidation
 becomes--reviewable--only--when--a--new--facility--with--a--new--license--will--be
 established--due--to--the--consolidation--in--this--case--the--A--and--B
 facilities--which--consolidate--are--reviewed--for--discontinuation--and--the
 new--licensed--facility--C--is--reviewed--for--establishment--it--is--this
 discontinuation--and--establishment--which--creates--the--need--for--review.

"Control" means a person possesses any of the following discretionary
 and non-ministerial rights or powers:

the right or power to approve and to remove without cause a
controlling portion of the governing body of another person; or
the right or power to require or approve the use of funds or
assets of another person for any purpose; or

the right or power to approve, amend, or modify the health care
facility's by-laws or other rules of governance.

A person may control one or more other person(s). For the purpose of
 this definition, "governing body" means:

with respect to a corporation having stock, such corporation's
 board of directors and the owners, directly or indirectly, of
 more than 50% of the securities (as defined in Section 2(1) of
 the Securities Act of 1933) of any class or classes, the holders
 of which are ordinarily, in the absence of contingencies,
 entitled to elect a majority of the corporation's directors (both
 of which groups shall be considered a governing body);

with respect to a not for profit corporation not having stock,
 such corporation's members if the members have complete
 discretion to elect the corporation's directors, or the
 corporation's directors if the corporation's members do not have
 such discretion; and

with respect to any other entity, its governing board or body.

For the purposes of this definition, all references to directors and
 members shall be deemed to include all persons or entities performing
 the function of directors or members, however denominated.

A controlling person or entity indirectly controls all persons or

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entities controlled, or owned directly or indirectly, by any person or
 entity controlled by such controlling person or entity.

†† "Construction" or "Modification" means the establishment,
 erection, building, alteration, reconstruction, modernization,
 improvement, extension, discontinuation, change of ownership of or by
 a health care facility, or the purchase or acquisition by or through a
 health care facility of equipment for diagnostic or therapeutic
 purposes or for facility administration or operation or any capital
 expenditure made by or on behalf of a health care facility which
 exceeds the capital expenditure minimum. [20 ILCS 3960/3] †Section--3
 of--the--Act†

†† "Discontinuation" means to cease operation of an entire health care
 facility or category of service. Discontinuation includes a
 determination by the State Board that:

†† a category of service has not been utilized for its intended
 purpose for a period of twelve months or more; or

†† a category of service approved after January 1, 1992 is not
 operating at utilization standards/target occupancy rates
 specified in 77 Ill. Adm. Code 1100, for that category of
 service, by the end of the second year of operation after project
 completion and on average for any two-year period thereafter
 (based upon data reported by the facility to IDPH the--State
 Agency pursuant to Section 13 of the Act), and that need no
 longer exists in the planning area based upon the existence of
 such factors as, but not limited to, access to other services in
 the planning area, excess service capacity in the planning area,
 and the facility's ability to adequately staff the existing
 service; or

†† an existing category of service is not operating at utilization
 standards/target occupancy rates specified in 77 Ill. Adm. Code
 1100, for that category of service, on average for any two-year
 period commencing on January 1, 1995 and thereafter (based upon
 data reported by the facility to IDPH the--State--Agency pursuant
 to Section 13 of the Act), and that need no longer exists in the
 planning area based upon the existence of such factors as, but
 not limited to, access to other services in the planning area,
 excess service capacity in the planning area, and the facility's
 ability to adequately staff the existing service.

†† "Due Diligence" means to take such actions toward the completion of a
 project for which a permit has been granted with that diligence and
 foresight which persons of ordinary prudence and care commonly
 exercise under like circumstances. An accidental or unavoidable cause

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which cannot be avoided by the exercise of due diligence in the meaning of this rule is a cause which reasonable prudent and careful persons, under like circumstances, do not and would not ordinarily anticipate, and whose effects under similar circumstances they do not and would not ordinarily avoid.

1) "Establish" or "Establishment" means the construction of a new health care facility, the licensing of unlicensed building(s) or structure(s) as a health care facility, or the replacement of an existing health care facility on another site, or the consolidation of two or more existing facilities into a new facility, or the development, licensing, or certification of a category of service.

2) "Existing Health Care Facility" means any person or organization that owns or operates a health care facility subject to the Act which:

1) has a license issued by IDPH the Agency and has provided services within the past 12 months, unless the failure to provide such service is the result of pending license revocation procedures, and has not surrendered or abandoned its license or had its license revoked or voided or otherwise deemed invalid by IDPH the Agency; or

2) is certified under Titles XVIII or XIX of the Social Security Act; or

3) is a facility operated by the State of Illinois.

AGENCY NOTE: Projects for which permits have been granted but which are not complete as defined in pursuant to subsection (f) of this Section shall not be considered existing facilities, but the approved number of beds or services shall be recorded in the Inventory of Health Care Facilities maintained by IDPH the Agency and shall be counted against any applicable need estimate.

"Fair Market Value" means the dollar value of a project or any component of a project that is accomplished by lease, donation, gifts or any other means that would have been required for purchase, construction, or acquisition.

3) "Final Decision" or "Final Administrative Decision" or "Final Determination" means:

1) the decision by the State Board to approve or deny an application for permit. Action taken by the State Board to deny an application for permit is subsequent to an administrative hearing or to the waiver of such hearing; or

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2) the decision by the State Board on all matters other than the issuance of a permit; or

3) The decision is final at the close of business of the State Board meeting at which the action is taken.

4) "Final Realized Costs" means all costs that are normally capitalized under generally accepted accounting principles are those costs of construction, modernization or equipment that have been incurred to complete a project for which a permit was granted. These costs include all expenditures and the dollar or fair market value of any component of the project whether acquired through lease, donation or gift.

5) "Major Construction Project" means:

1) Projects for the construction of new buildings;

2) Additions to existing facilities; and

3) Modernization projects whose cost is in excess of \$1,000,000 or ten percent of the facility's operating revenue, whichever is less. [20 ILCS 3960/5] (Section 5 of the Act)

6) "Major Medical Equipment" medical equipment means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act (42 U.S.C.A. 1395x) to meet the requirements of paragraphs (10) and (11) of Section 1861(S) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included. [20 ILCS 3906/3] (Section 3 of the Act)

7) Merger means the absorption of one or more existing health care facility into another existing health care facility. The result of the absorption is that only one facility survives (A+B=B). Merger results in the modification of expansion of beds or services of the survivor facility and the discontinuation of the facility being absorbed.

8) "Modification of an Application" or "Modification" 1) Modification of an Application or Modification means any change to a proposed project during the review period (i.e., prior to final State Board action) which results in changing the proposed project's physical size or

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gross square feet, the site within a planning area, the operating entity when the operating entity is not the applicant, the number of proposed beds, the categories of service to be provided, the cost, the method of financing, or the configuration of space within the building, or the addition or deletion of one or more persons as co-applicants.

2) AGENCY NOTE: A change in the applicant or a change in site to outside the planning area originally identified in the application are not considered modifications and, if either occurs, the application is void.

3) "Notification of State Board Action" means the transmittal of State Board decisions to the applicant or permit holder. Notification shall be given to the applicant's or permit holder's designated contact person, legal representative or chief executive officer.

4) "Obligation" means receipt by the Executive Secretary, subsequent to the issuance of an authorization to obligate, of a notarized certification by an officer of the permit holder that attests to documents verifying one of the following:

1) that the project is to be accomplished through the execution of binding enforceable contracts, including lease agreements, to expend an amount exceeding the State Board's review threshold for capital expenditures or acquisition of major medical equipment or by an amount equal to or greater than 33 percent of the permit amount, whichever is less, and that the permit holder has demonstrated a financial commitment to fund the project; financial commitment can be shown by a statement from a financial institution or other lender indicating that funding will be provided; or

2) that the project has no cost and has been completed; or is to be done internally or by permit holder and has been authorized by the governing body through the release of funds to expend 33 percent or more of the permit amount or an amount exceeding the capital expenditure minimum, whichever is less; or

3) that the permit holder has project has no cost and has been completed in accordance with subsection (g) above, executed those binding enforceable contracts or lease agreements (previously reviewed by IDPH) in an amount that exceeds the capital expenditure or major medical equipment review threshold (as applicable) or that is equal to or greater than 33 percent of the permit amount, whichever is less; affirmed that the financial resources have been committed to fund the project; and affirmed that the project's cost, scope, design, square footage, number of beds or stations, etc. (as applicable) are in accord with what

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the State Board has approved; or

that the project is to be done internally by the permit holder and has been authorized by the governing body through the release of funds to expend 33 percent or more of the permit amount or an amount exceeding the capital expenditure minimum, whichever is less; that the financial resources have been committed to fund the project; and that the project's cost, scope, design, square footage, number of beds or stations, etc. (as applicable) are in accord with what the State Board has approved.

AGENCY NOTE: Prior to signing principal contracts or to otherwise obligating the project, all permit holders, except those with permits for no cost discontinuation projects, are the permit holder is required to obtain an authorization to obligate pursuant to Section 1130.720. Projects that are contingent upon permit issuance (meaning authorization to obligate and obligation are approved at the time of permit issuance) are not required to receive an authorization to obligate or obligation from the State Board to commence a project.

"Operational" means that a permit holder is providing the service(s) approved by the State Board and, for a new health care facility or a new category of service, licensure or certification has been obtained and residents/patients are utilizing the facility or equipment or receiving service.

4) "Project Commitment Date" means the date the permit holder executes binding enforceable contracts to expend an amount which exceeds the capital expenditure minimum or at least 33 percent of the permit amount, whichever is less. For projects not undertaken by contract, the project commitment date is the date the permit holder's governing body authorizes or releases funds to expend an amount which exceeds the capital expenditure minimum or at least 33 percent or more of the permit amount, whichever is less. If a project has no cost the project commitment date is the date of project completion.

5) "Proposal" or "Project" means any proposed construction or modification of a health care facility or any proposed acquisition of equipment to be undertaken by an applicant.

"Related Person" means any person that:

is at least 50 percent owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50 percent of the health care facility; or owns, directly or indirectly, at least 50 percent of the health care facility; or

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is otherwise controlled or managed by one or more health care facilities or a person that controls or manages the health care facility; or

otherwise controls or manages the health care facility; or

is otherwise, directly or indirectly, under common management or control with one or more health care facilities.

*† "Review period" means the time from the date an application for permit is deemed complete until the State Board renders its final decision.

†† "Site" means the physical location of a proposed project and is identified by address or legal property description.

‡† "Substantially Changes changes the Bed Count bed-count of a Health Care Facility" ~~health-care-facility~~ means construction or modification, including acquisition of equipment, which changes the bed capacity of a health care facility by increasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility or site to another by more than 10 beds or more than 10% of total bed capacity as defined by the State Board, whichever is less, over a two year period. (Section 5 of the Act) The two year period begins on the date when additional beds added to the facility inventory become operational. When a permit is granted which will result in a change in bed capacity, the applicant facility may not add any more beds in those services affected by the permit for two years from the date that such beds become operational without obtaining an additional permit from the State Board. The facility may add beds (as long as the number added does not exceed 10 beds or 10% of the total facility capacity, whichever is less, over the two year period) in the other services not affected by the permit. Each facility will be contacted annually to verify bed inventory. If there is found, through this verification process, an increase in the calculated bed capacity of the facility, ~~IPDH the-State-Agency~~ shall determine the date the two year period begins. The date shall be published in the next available compilation of the Inventory of Health Care Facility and Need Determinations by Planning Area.

AGENCY NOTE: The discontinuation (reduction) of beds requires notice to ~~IPDH the-State-Agency~~. The effective date of the bed reduction can be no earlier than the date of ~~IPDH's the-State-Agency's~~ receipt of the bed reduction notice. It should also be noted that all proposed capital expenditures (including those which do not substantially change the bed capacity) in excess of the capital expenditure minimum require a permit, regardless of the purpose or nature of the project or transaction. However, proposals for less than the capital

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expenditure minimum, including those with no capital expenditure, also require a permit if the project or transaction is for a substantial change in the facility's bed capacity.

ae† "Substantially Changes changes the Scope scope or Changes changes the Functional Operation functional-operation of the Facility" ~~facility~~ means:

†† the addition or discontinuation of a ~~establishing-an-additional~~ category of service as defined in Part 1100.220;

‡† discontinuation as defined in Section 1130.140††;

§† a change of a material representation made by the applicant in the "Application for Permit" subsequent to receipt of a permit which is relied upon by the State Board in making its decision. Material representations are those which provide a factual basis for issuance of a permit and include:

A† withdrawal or non-participation in the Medicare and/or Medicaid programs;

B† charge information;

C† requirements of variances pursuant to 77 Ill. Adm. Code 1110-530(b);---1110-630(b);---1110-730(d);---1110-1330(f);---1110-1430(f);---and---1110-1730(d);

D† other representations made to the State Board as stipulated in the permit letter;

†† the addition of a surgical specialty not previously approved by the State Board for an ambulatory surgical treatment center (ASTC) that has not been classified as a multi-specialty ASTC by the State Board in accordance with the provisions of 77 Ill. Adm. Code 1110.1540 ~~not-previously-approved; or~~

§† an increase of more than three dialysis stations or more than 10% of the facility's total number of dialysis stations, whichever is less, over a two-year period. The two-year period begins on the date the facility's additional stations are certified. When a permit is granted for additional stations or for the establishment of an additional facility/service, the facility may not add any more dialysis stations for two years from the date that such stations approved in the permit are certified without obtaining an additional permit; or-

AGENCY NOTE: Section 1130.310 details the review requirements (or grandfathering) for kidney dialysis treatment center projects

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that were undertaken prior to March 1, 1995.

the acquisition, construction, or leasing of space, buildings, or structures for the purpose of providing diagnostic and treatment outpatient services such as, but not limited to, radiology, laboratory, or various therapies on a site or location that is not within the licensed premises of the health care facility.

AGENCY NOTE: All proposed capital expenditures (including those which do not substantially change the scope) in excess of the capital expenditure minimum require a permit, regardless of the purpose or nature of the project or transaction. However, it should also be noted that proposals from the capital expenditure minimum or less including those with no capital expenditure, also require a permit if the project or transaction is for a substantial change in the facility's scope or functional operation.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: WHO IS SUBJECT TO THE HEALTH FACILITIES PLANNING ACT

Section 1130.210 Persons Subject to the Act

The following persons are subject to the Act:

- a) Hospitals licensed pursuant to the Hospital Licensing Act (1130-Rev-Stat-1991-ch-111-1/27-par-142-et-seq) [210 ILCS 85];
- b) Ambulatory surgical treatment centers required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act (1130-Rev-Stat-1991-ch-111-1/27-par-157-8-1-et-seq) [210 ILCS 5];
- c) Long-term care facilities licensed pursuant to the Nursing Home Care Act (1130-Rev-Stat-1991-ch-111-1/27-par-451-101-et-seq) [210 ILCS 45];
- d) Kidney disease treatment centers, including free standing hemodialysis units;
- e) Any of the above types of facilities operated by the State or any department or agency thereof; and
- f) Any person proposing to establish, construct or modify any of the above types of facilities or proposing to acquire major medical equipment.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.220 Necessary Parties to the Application for Permit or Exemption

The following person(s) must be the applicant(s) for permit or exemption, as

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applicable:

- a) For construction or modification projects (excluding projects to establish or change the ownership of health care facilities) of one or more existing health care facilities:
 - 1) the person who holds the license (or certification if licensing is not applicable) for each facility; and
 - 2) the person who has final control of the person who holds the license (or certification if applicable) for each facility; and
 - 3) any other person (excluding governmental agencies) who is or will be financially responsible for guaranteeing or making payments on any debt related to the project; and
 - 4) any other person who controls the use of equipment or other capital assets that are components of the project, such as, but not limited to, fixed equipment, mobile equipment, buildings or portions of buildings, structures such as parking garages, etc.
- b) For projects to establish new health care facilities or to change the ownership of one or more existing health care facility(ies), the applicant(s) must be:
 - 1) the person who will hold the license (or certification if licensing is not applicable) for each facility; and
 - 2) the person who has final control of the person who will hold the license (or certification if applicable) for each facility; and
 - 3) any other person (excluding governmental agencies) who is or will be financially responsible for guaranteeing or making payments on any debt related to the project; and
 - 4) any other person who controls the use of equipment or other capital assets that are components of the project, such as, but not limited to, fixed equipment, mobile equipment, buildings or portions of buildings, structures such as parking garages, etc.
- c) For projects to acquire major medical equipment that is not located in a health care facility and that is not being acquired by or on behalf of a health care facility, the applicant must be:
 - 1) the person who is acquiring the equipment; and
 - 2) the person who will be responsible for operation of the proposed equipment; and
 - 3) the person(s) who has final control of the person(s) who is acquiring the equipment or the person who will be responsible for operation of the equipment; and
 - 4) any other person who controls the use of equipment or other capital assets that are components of the project, such as, but not limited to, fixed equipment, mobile equipment, buildings or portions of buildings, structures such as parking garages, etc.

a) Applicants-for-Permit

1) if-a-project-to-construct--or--modify--an--existing--health--care facility--is--proposed--solely--by--the--person--who--holds--that facility's--license--or--certification--that--person--must--be--the applicant;

2) if-a-project-to-construct--or--modify--an--existing--health--care

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facility--is--proposed--in--whole--or--in--part--by--a--person(s)--other--than--the--person--who--holds--the--facility's--license--or--certification--that--person(s)--and--the--person--who--holds--the--facility's--license--or--certification--must--be--co-applicants.

3) if a project to establish a health care facility is proposed solely by the person who will be licensed by the Agency or certified (if the facility is not subject to licensure), that person must be the applicant.

4) if a project to establish a health care facility is proposed in whole or in part by a person(s) other than the person who will hold the license or be certified, that person(s) and the person who will hold the license or be certified must be co-applicants.

5) in the case of major medical equipment not located in or not acquired on behalf of a health care facility, the person responsible for providing patient care with the equipment must be the applicant.

b) Applicants for Exemption

1) in all cases involving an exemption for the acquisition of major medical equipment, the entity who will be responsible for operation of the proposed equipment must be the applicant for exemption. Operational responsibility includes both equipment management and program operation (i.e., patient scheduling, quality control and staff supervision).

2) in the case of a change of ownership exemption for an existing facility, the person who will be licensed by the Agency or certified (if the facility is not subject to licensure) must be the applicant for exemption. In the case of a stock transfer, the entity which will obtain a majority interest in the licensed entity must be the applicant.

(Source: Amended at 22 Ill. Reg. _____, effective _____.)

SUBPART C: TRANSACTIONS SUBJECT TO REVIEW

Section 1130.310 Transactions Subject to Review

a) A permit shall be obtained prior to the establishment, construction or modification of a health care facility unless an exemption has been granted in accordance with the provisions of Subpart D and Subpart E. A transaction that is not exempt from review is subject to review and requires a permit if the transaction which:

1) requires a total capital expenditure in excess of the capital expenditure minimum. In determining the total capital expenditure, all costs (including the fair market value of assets acquired by lease or other means), which under generally accepted accounting principles are not properly chargeable as expenses of operation and maintenance, must be included even if any of such

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costs are not capitalized for reimbursement or other purposes.

All capital expenditure minimums (Section 1130.140(d)) shall be annually adjusted to reflect the increase in construction costs due to inflation. On October first of each year, the minimums will be adjusted for inflation. The basis for such adjustment for major medical equipment shall be the latest annual inflation rate as reflected in the Producer's Price Index as calculated in the DRI/McGraw-Hill Health Care Cost Review Costs section on Special Machinery and Equipment (DRI/McGraw-Hill, 1200 G Heath Care--Costs--Data--Resources--1750--R Street, N.W., Suite 1000 400, Washington D.C. 20005 20006). The basis for the adjustment to capital expenditures other than major medical equipment shall be the latest annual inflation rate as reflected in the medical construction component of the Means Cost Data (R.S. Means Company Inc., 100 Construction Plaza, P.O. Box 800, Kingston, MA 02364-0800). The revised minimums shall be published as an appendix to this Part; or

2) substantially changes the scope or changes the functional operation of the facility by construction or modification--or--by acquisition--of--new--equipment--or--alteration--of--existing--equipment and as defined in Section 1130.140(fa); or

3) results in the establishment of a health care facility as defined in Section 1130.140; or

4) changes the bed capacity of a health care facility by increasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility or site to another by more than ten beds or more than ten percent of total bed capacity as defined by the State Board, whichever is less, over a two year period (pursuant to Section 1130.140 77-III--Adm--Code--1100:220); or

5) involves a change of ownership as defined in Section 1130.140; or unless an exemption has been granted in accordance with the provisions of Section 1130.520.

6) results in the discontinuation of an entire health care facility or category of service.

b) A permit must be obtained prior to the acquisition of major medical equipment unless an exemption has been granted in accordance with the provisions of Subpart D and Subpart E Section 1130.510.

c) In determining the elements of a transaction or a project subject to review, the following factors apply:

1) Components of construction or modification which are interdependent or related must be grouped into one permit application. Interdependence occurs when components of construction or modification are architecturally and/or programmatically interrelated to the extent that undertaking one or more of the components compels the other components to be undertaken. In addition when components of construction or modification are to be undertaken by means of a single

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construction contract or are to be financed through the issuance of a single debt instrument, such as, but not limited to, a mortgage, bonds, or lease, those components must be grouped into an application for permit. Related components are those undertakings that have been approved by a health care facility's board of directors to be obligated in two consecutive fiscal years and that involve facility expansion or modernization. These components must be grouped into an application for permit. Examples of related components include, but are not limited to, modernization of several ancillary departments, phased renovation of nursing units, construction of several free-standing outpatient buildings, or acquisition and renovation of existing buildings. Any facility expansion or modernization components to be undertaken by a related person must also be included in an application for permit if these undertakings are to be obligated in two consecutive fiscal years for the same facility. The purchase or acquisition of equipment (other than major medical equipment) is not to be included as a related component provided that such acquisition does not require construction or modernization of the department in which it is located. Projects involving acquisition of equipment which are linked with construction for the provision of a service cannot be segmented. A health service linkage exists when all components must be present for a service to be operational, or when financing is obtained at one time for a series of related components. Computer software, for example, cannot be separated from the equipment needed to run the program.

2) No health care facility or other person required to obtain a permit shall split what should properly be considered a single capital expenditure into discrete components undertaken during a two consecutive fiscal year period to evade the capital expenditure review threshold.

3) No health care facility or other person required to obtain a permit shall separate portions of a single project into components, including, but not limited to, site, facility, and equipment, to evade the capital expenditure review threshold or other requirements of the Act or State Board rules.

d) Examples of projects that which constitute construction or modification of a health care facility and require a permit include:

- 1) Projects located within a licensed or certified health care facility;
- 2) Projects that which result in a health care facility:
 - A) Billing for services provided by the proposed project,
 - B) Capitalizing any portion of the proposed project,
 - C) Receiving reimbursement for services provided by the proposed project, or
 - D) Receiving recognition as the provider of the proposed service by third party payors;

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- 3) Projects that which are staffed or operated by the health care facility;
- 4) Projects that which are otherwise of, by, through or on behalf of a health care facility;
- 5) Projects that provide a category of service as defined in 77 Ill. Adm. Code 1100 that are offered or made available on a regular basis to inpatients or outpatients of a health care facility.
- e) Existing kidney disease treatment centers (ESRD facilities) that have undertaken projects to add additional ESRD stations prior to March 1, 1995 are not required to obtain a permit for the addition of these stations provided that documentation has been submitted to the State Board that verifies that the project had been committed prior to March 1, 1995. Project commitment means that the facility had executed a binding lease or contract to acquire additional space for the project and that financing of the project had been secured and that an application for certification of the additional stations was submitted to IDPH prior to January 1, 1995. ~~the discontinuation of an entire health care facility or category of service requires a permit--unless an exemption has been granted in accordance with the provisions of Section 1130-5467~~

f) Notwithstanding the provisions of this Section, the State Board shall not require a permit (i.e., grandfather) for any construction or modification projects for outpatient diagnostic or treatment services that:

- 1) were not subject to review prior to the effective date of this subsection (f); and
- 2) were completed, under construction, or otherwise obligated prior to the effective date of this subsection (f); and
- 3) provide notice to the State Board that contains a description of the project, project costs, source of funding, and the actual or anticipated date of project completion. Such notice shall be notarized and attested to by an officer of the person or health care facility that has undertaken the project and must be received by the State Board no later than 90 days from the effective date of this subsection (f).

AGENCY NOTE: Notice received subsequent to the 90 day period or failure to provide notice of such construction or modification projects shall subject the person or entity to the penalties and sanctions provided by the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART D: TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW

Section 1130.410 Transactions Which Are Exempt from Review

The following proposed transactions are not subject to review if an exemption

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is granted by the State Board:

- a) the acquisition of major medical equipment which will not be owned by, operated in behalf of, or located in a health care facility or be used to provide services to an inpatient of a health care facility.
- b) the change of ownership of an existing health care facility if the change in ownership is limited to a facility operated solely for the care and treatment of individuals with developmental disabilities or if the change in ownership is for restructuring or reorganization of the person who controls the health care facility's operations or physical plant and assets, provided that those entities or individuals who have an ownership interest in the person who controls the health care facility's operations or physical plant and assets will continue to have the same ownership interest in the person who will be controlling the health care facility's operations or physical plant and assets following the restructuring or reorganization.
- c) the discontinuation of an existing health care facility or of a category of service when that discontinuation is the result of:
 - 1) revocation of or denial of license renewal by a State or local regulatory agency;
 - 2) for facilities not subject to licensure, the loss of certification;
 - 3) discontinuation action taken by the State Board;
 - 4) the voluntary surrender of a suspended license.
- d) the combination of two or more existing health care facilities into a single licensed health care facility, when:
 - 1) the existing facilities are located on the same site or on sites adjacent to one another;
 - 2) the licensed person for the existing facilities is the same;
 - 3) the combination is for the sole purpose of operating the existing facilities under a single license;
 - 4) the combination does not involve any cost, any change in scope of services provided, or any change in bed capacity.
- e) the temporary use of beds within existing health care facilities for purposes other than categories of service as defined in 77 Ill. Adm. Code 1100, provided the following are met:
 - 1) the beds will be utilized to provide services as part of a demonstration program authorized by State or federal law, such as, but not limited to, the supportive living facility demonstration project established under Section 5-5.01a of the Illinois Public Aid Code; and
 - 2) the beds will continue to be inventoried according to their presently approved use; and
 - 3) the temporary use of such beds shall cease upon withdrawal from or completion of the demonstration program; and
 - 4) that if such beds are to be permanently used for purposes other than those inventoried, a permit will be obtained from the State Board; and
 - 5) that the temporary use of such beds will not be for demonstration

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models established pursuant to the Alternative Health Care Delivery Act [210 ILCS 3].

- f) health care facility projects for the acquisition, construction, or leasing of space, buildings, or structures for the purpose of providing diagnostic and treatment outpatient services on a site or location that is not within the licensed premises of a health care facility, provided the following are met:
 - 1) charges for tests, procedures, or treatments for outpatient services are less than or equal to the charges for the identical services at the health care facility's licensed premises; and
 - 2) the services and associated space to be provided are necessary to relieve high utilization of and insufficient space for existing diagnostic and treatment services located within the licensed premises of the health care facility, and conform to the applicable utilization or space standards listed in 77 Ill. Adm. Code 1100; and
 - 3) in the case of an admission to the health care facility following a visit to the outpatient site or location, identical tests, procedures, or treatments will not be performed at the health care facility unless such repeat tests, procedures, or treatments have been certified as necessary by a physician.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

Section 1130.510 Requirements for Exemptions Involving the Acquisition of Major Medical Equipment

- a) Submission of Application for Exemption
Prior to any person acquiring major medical equipment which will not be owned by or located in a health care facility, the person must submit an application for exemption to the State Board, submit the required application processing fee pursuant to 77 Ill. Adm. Code 1190, and receive approval from the State Board.
- b) Application for Exemption Information
The application for exemption is subject to approval under Section 1130.560 and shall include the following information:
 - 1) The name and address of the applicant(s) ~~applicant~~ proposing to acquire the equipment (see Section 1130.220(b));
 - 2) Name and address of any person related to the applicant(s);
 - 3) Identification of the equipment to be acquired including model number, manufacturer and equipment specifications;
 - 4) The address of the premises where the equipment will be installed or used and a description of the premises that includes a gross square footage space allocation for the functions contained therein, such as, but not limited to, diagnostic or

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treatment areas, administrative space, doctors' offices, waiting rooms, etc., and whether any common space is shared or utilized by persons other than the applicant(s);

5) Copies of any existing or proposed lease or purchase agreements or a proof of ownership regarding the premises where the equipment will be installed;

6) Name and address of the person who owns the premises and whether that person is related to a health care facility or to the applicant(s);

7) A signed certification that the equipment will not be used to provide services to inpatients of any health care facility;

8) A signed certification that use of the proposed equipment will not result in the inpatient admission of patients to a health care facility following outpatient treatment except in emergency conditions;

9) A description of each component of an existing or proposed quality assurance plan for the proposed equipment addressing the following:

- A) how regular objective evaluation of all audits and medical care will be performed;
- B) how patient interviews and complaint evaluation will be performed;
- C) infection control measures;
- D) incident reporting;
- E) allied health professional credentialing;
- F) evaluation of external surveys affecting quality of care;
- G) safety committee concerns;
- H) problem resolution; and
- I) confidentiality concerns.

10) The cost or fair market value of the equipment plus all capital costs associated with the acquisition, installation, or operation of the equipment, including the construction costs or fair market value of the premises where the equipment will be installed.

AGENCY NOTE: A permit is required for the acquisition of major medical equipment which will be owned by, located in, or utilized to serve inpatients of a health care facility. Equipment acquired by exemption cannot be used to treat patients who are directly admitted into an inpatient unit of a health care facility except in the case of a medical emergency which threatens the life of the patient. A physician licensed to practice medicine in all of its branches must verify that such inpatient admission was caused by a medical emergency.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.520 Requirements for Exemptions Involving the Change of Ownership of a Health Care Facility

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a) Submission of Application for Exemption
Exemptions for a change of ownership are limited to those transactions that propose to change the ownership of a health care facility that is operated solely for the care and treatment of individuals with developmental disabilities, and to changes in the ownership of a health care facility due to restructuring or reorganization (refer to Subpart D). Prior to any person acquiring or entering into a contract to acquire an existing health care facility, the person must submit an application for exemption to the State Board, submit the required application processing fee and receive approval from the State Board.

b) Application for Exemption Information
The application for exemption shall be approved pursuant to Section 1130.560 when the following information is submitted:

- 1) the name and address of the person proposing to acquire the facility;
- 2) the name and location of the existing health care facility to be acquired;
- 3) a signed certification that the categories of service and number of beds as reflected in the Inventory of Health Care Facilities maintained by IDPH the Agency will not substantially change (per definition in Section 1130.140);
- 4) documents which detail conditions and terms of any lease or purchase arrangement;
- 5) financial information, the latest audited financial statements of the applicant and a statement by the applicant specifying the source of funds which will be used to acquire the facility;
- 6) the anticipated acquisition price and the fair market value of the facility being acquired (determination of fair market value is stipulated by Section 1190.40(b));
- 7) proof of publication of the required legal notice of the change of ownership (as required by Section 1130.520(c));
- 8) a statement acknowledging that the change of ownership will void any permits for projects which have not been completed; and
- 9) documentation from the Illinois Secretary of State that the legal entity that is the exemption applicant is registered to conduct business in Illinois and is in good standing;
- 10) certification that the acquisition or purchase agreement has not yet been entered into or executed;
- 11) certification that any projects for which permits have been issued have been completed or will be completed or altered prior to the effective date of the change of ownership;
- 12) if the change of ownership is for a hospital, a certified copy of the transcript of the public hearing and copies of all exhibits, documents and other written materials presented at the hearing; and
- 13) if the change of ownership is for a hospital, copies of the bylaws and medical staff bylaws for the existing hospital and for the applicant.

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c) Legal Notice Requirements

Any person requesting an exemption for a change of ownership must publish a legal notice in a newspaper of general circulation in the community in which the facility is located. This legal notice must provide the following:

- 1) the name and address of the facility for which the exemption is sought;
- 2) the name and address of the applicant entity requesting the exemption;
- 3) the nature of the transaction (e.g., the purchase, lease, or transfer of stock of the licensed entity);
- 4) when the entity which will be assuming ownership of the facility is a wholly owned subsidiary of another corporation, the name and address of the parent firm;
- 5) a statement that all categories of service and beds currently provided will be maintained; and
- 6) if the change of ownership is for a hospital, an announcement of a public hearing containing the information requirements of this Section; and

7) a name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed transaction.

AGENCY NOTE: Professional and trade association publications that are intended to serve a defined population will not be considered a newspaper of general circulation.

d) Public Hearing Requirements for Hospital Changes of Ownership The Chairman, acting on behalf of the State Board, shall review applications for exemption for a change of ownership submitted pursuant to this Section, and shall approve such applications if the requirements of subsections (b) and (c) of this Section are met.

Any person requesting an exemption for a change of ownership of a hospital must conduct a public hearing in the community in which the hospital is located. The hearing shall be held in a place of reasonable size and accessibility and a full and complete written transcript of the proceedings shall be made. The applicant shall include in the legal notice required in this Section the following information:

- 1) a statement as to the anticipated benefits of the proposed changes in ownership to the community;
- 2) the anticipated or potential cost savings, if any, that will result for the community and the facility as a result of the change in ownership;
- 3) a description of the mechanism that will be utilized to assure quality control;
- 4) a description of the applicant's organizational structure, including a listing of controlling or subsidiary persons;
- 5) a description of the selection process that the acquiring entity will utilize in selecting the hospital's board of directors;

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- 6) the location, time, and date of the hearing, which must be no later than 10 days nor more than 30 days after the date of publication of the legal notice; and
- 7) a statement that the hearing is an open public meeting at which time an opportunity will be afforded to all persons wishing to present written or oral comments.

e) A permit or exemption cannot be transferred. In the event of a change of ownership ~~an acquisition~~ of a health care facility prior to the completion of an approved project, it is the responsibility of the permit holder to seek State Board approval to alter the permit to reflect only that construction or modification which will be completed at the time ownership of the facility transfers to another person. Failure to obtain an alteration approval will result in the totality of the permit being considered abandoned. Any person requesting an exemption for a change of ownership of a health care facility for which an outstanding permit exists must in the case where a permit has been altered to avoid abandonment, submit documentation in accordance with the provisions of Section 1130.750 to detail as to the scope and costs associated with completing the project as originally proposed. IDPH the Agency shall advise the applicant for exemption if a permit is required under Section 1130.310. A permit is required if the remainder of the project meets the review conditions specified in Section 1130.310.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.540 Requirements for Exemptions Involving involuntary Discontinuation

Facilities which have discontinued in accordance with the provisions of Subpart D are not ~~involuntarily discontinued, in whole or in part, as the result of license revocation or loss of certification are exempt from review upon receipt of evidence of such discontinuation by the State Board and shall not be~~ required to submit an application for exemption or fee. The State Board shall take action to confirm the discontinuation and determine the date of discontinuation and adjust the Inventory of Health Care Facilities accordingly.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.541 Requirements for Exemptions for Combined Facility Licensure

A person proposing to combine two or more existing health care facilities into a single licensed health care facility must submit an application for exemption to the State Board, submit the required application processing fee pursuant to 77 Ill. Adm. Code 1190, and receive approval from the State Board. The application for exemption shall consist of a written notice, notarized and

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attested to by an authorized representative of the applicant, that contains the following:

- a) the name and address of the applicant proposing the combination;
- b) documentation that the requirements of Section 1130.410 pertaining to the transaction will be met;
- c) proof of publication of a legal notice in a newspaper of general circulation in the community in which the facilities are located. The notice shall provide the name and address of the applicant and the facilities to be combined, a description of the transaction addressing the applicable requirements of Section 1130.410, and the name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed transaction; and
- d) certification that the transaction has not yet been entered into or executed.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 1130.542 Requirements for Exemptions for Temporary Use of Beds or Demonstration Programs

A person proposing the temporary use of existing beds for purposes other than categories of service currently approved must submit an application for exemption to the State Board, submit the required application processing fee pursuant to 77 Ill. Adm. Code 1190, and receive approval from the State Board. The application for exemption shall consist of a written notice, notarized and attested to by an officer of the person who is the applicant, that contains the following:

- a) certification that the applicant will adhere to and comply with the applicable provisions of Section 1130.410; and
- b) proof of publication of a legal notice in a newspaper of general circulation in the community in which the facility is located. The notice shall provide the name and address of the applicant and of the facility that proposes to participate in the demonstration program, a description of the demonstration program, the number of beds proposed to participate in the demonstration program, and the name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed transaction.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 1130.543 Requirements for Exemptions for Outpatient Diagnostic and Treatment Centers

A person proposing a project for diagnostic and treatment outpatient services must submit an application for exemption to the State Board, submit the required application fee pursuant to 77 Ill. Adm. Code 1190, and receive

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approval from the State Board. The application for exemption shall consist of the following information and be notarized and attested to by an officer of the person who is the applicant:

- a) the name and address of the applicant proposing the outpatient center;
- b) documentation that the requirements of Section 1130.410 pertaining to the transaction are met;
- c) proof of publication of a legal notice in a newspaper of general circulation in the community in which the proposed facility will be located. The notice shall provide the name and address of the applicant, the address of the proposed outpatient center, a description of the services to be offered at the proposed outpatient center, and the name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed transaction.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 1130.560 State Board Action

- a) The approval of an application for exemption by the State Board requires eight seven affirmative votes.
- b) Exemption applications for the acquisition of major medical equipment require review and action by the State Board. The Chairman, acting on behalf of the State Board, shall review all other applications for exemption and approve, deny, or refer the applications to the State Board for review and action.

c) ~~b~~ The State Board shall evaluate each the application for exemption for acquisition of major medical equipment and any application for exemption referred by the Chairman and either issue an exemption or advise the applicant in writing that the application is denied and is not in compliance with exemption requirements ~~and explain the reasons for the denial~~. The State Board shall approve all applications for exemption if the applicable conditions of this Subpart ~~Section 1130.510 or Section 520-as-applicable~~ are met. Exemptions will not be issued for projects that ~~which~~ have failed to meet the applicable requirements of this Subpart ~~Section 1130.510 or Section 1130.520-as-applicable~~. An exemption for a change of ownership shall not be granted for a project to establish a health care facility which has received a permit but which has not been completed.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.570 Validity of an Exemption

- a) An exemption ~~for a change of ownership or for acquisition of major medical equipment~~ shall be valid for 12 months from the date of

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exemption issuance. An exemption transaction for which the exemption was issued must be completed within this 12-month period. The exemption holder must provide documentation that must be received by IDPH on or before notify the State Agency in writing prior to the expiration date of the exemption that verifies the following as applicable as follows:

- 1) for change of ownership, the effective date that the transaction was completed, by providing evidence of the issuance of a new license or certification, of a stock transfer, of a majority change in voting membership or sponsorship of a not-for-profit corporation, of a transfer of assets, of a merger or consolidation, or of any other means notification to the State Agency specifying the effective date of the ownership change as evidenced by the issuance of a license or certification;
- 2) for stock transfers, documentation showing the effective date of the stock transfer;
- 2) for all other exempted transactions, the date of the issuance of a new license, or the date of approval to participate in a demonstration program, or the date of obligation of diagnostic and treatment outpatient projects, whichever is applicable the acquisition of major medical equipment; documentation showing obligation of the transaction as defined in Section 1130.140.

AGENCY NOTE: Failure to provide the required notification shall subject the exemption holder to the sanctions provided by the Act.

- b) An exemption for a change of ownership of a health care facility shall be invalid if the health care facility ceases to be an existing health care facility as defined in Section 1130.140.
- c) Failure to comply with any conditions and/or certifications required for an exemption shall constitute an unauthorized modification to the exemption and shall subject the person to the penalties provided by the Act.
- d) Any person failing to obtain an exemption or permit when required shall be subject to the sanctions provided by the Act.
- e) An exemption is not transferable or assignable and cannot be bought or sold on its own or as part of any other transaction.

AGENCY NOTE: See Section 1130.520 regarding changes of ownership for facilities with outstanding permits.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART F: PROCEDURAL REQUIREMENTS FOR THE REVIEW AND PROCESSING OF APPLICATIONS FOR PERMIT

Section 1130.610 Duration of the Review Period and Time Frames

it is the intent of the State Board that all applications for permit are reviewed and acted upon within the shortest practicable time:

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- a) Emergency Applications
Emergency applications will be reviewed and acted upon within three days. Initial application may be made orally or in writing or by electronic means to IDPH the Agency. IDPH the Agency, upon receiving the concurrence of the Chairman (or in the absence of the Chairman the Vice-Chairman) that the situation is emergent in nature in accordance with the provisions of 77 Ill. Adm. Code 1110.40, is authorized to give oral approval. Any such communications shall be followed by a written application and written approval. This procedure is exempt from the public hearing requirements of the Act [20 ILCS 3960/12] (Section 13 of the Act). The written application must identify the applicant and must summarize the nature of the problem the emergency project will correct and the anticipated cost of the project.

- b) Substantive and Non-substantive Applications
All applications other than emergency applications shall be acted upon by the State Board between 60 days and 120 days from the date the application is declared complete by IDPH the Agency, unless the review period is extended by the applicant. All non-substantive applications and any applications involving the addition of beds shall be acted upon by the State Board at the State Board meeting following 60 days from the date the application is declared complete, unless the review period is extended by the applicant.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.620 Consultation, Classification and Completeness Review

- a) Consultation
The application must be completed in accordance with the requirements of this Part which are applicable to the individual project. An applicant may request consultation with IDPH the Agency regarding completion of the application and the applicability of the requirements of this Part prior to submission of the application.

- b) Classification of an Application
1) An application for permit shall be classified as:

- A) Substantive; or
- B) Non-Substantive; or
- C) Emergency.

- 2) Definitions of each classification are set forth in 77 Ill. Adm. Code 1100.220.

- c) Completeness Review

- 1) Upon receipt of an application for permit, IDPH the Agency shall determine whether the application is complete or incomplete. An application for any project other than one involving the addition of beds shall be deemed complete within ten days after receipt if all of the following have been met:

- A) all review criteria applicable to the individual project (77

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- Ill. Adm. Code 1110 and 1120) have been addressed;
- B) the required fee (as outlined in 77 Ill. Adm. Code 1190, Permit Application Fees) has been submitted;
- C) six copies of the application including one copy of the application containing original signatures have been submitted;
- D) all semi-annual progress reports on previously approved projects have been submitted;
- E) all required information concerning completion of previously approved projects has been submitted; and
- F) when the project proposed contains major medical equipment, the cost of the equipment to be acquired has been provided;
- G) all persons who are applicants have been identified and have submitted a Certificate of Good Standing or evidence that the persons are authorized to conduct business in Illinois from the Illinois Secretary of State; and
- H) all questionnaires for information or data, such as the Annual Hospital or Long-term Care Questionnaire (77 Ill. Adm. Code 1100.60 and 1100.70) or Cancer Registry (77 Ill. Adm. Code 840.110(d) and 840.115(i)), required by IDPH's Office of Epidemiology and Health Systems Development, have been submitted in accordance with IDPH's promulgated rules.
- 2) An application shall be incomplete if any of the elements described in subsection (c)(1) above are not present or if additional information or documentation is required to clarify a response. Failure to address an applicable criterion or to respond that an applicable criterion does not apply to the proposed project shall be a basis for deeming the application incomplete.
- 3) An application for a project which involves the addition of beds shall be deemed complete on the day of receipt if subsections (b) and (c) and (E) of subsection (c) above are submitted and if received no later than 8:30 a.m. on that day. Applications received after 8:30 a.m. shall be deemed as being received the following business day.
- 4) IDPH the Agency shall notify the applicant in writing, within ten working days, of its decision and in the case of an incomplete application, the reasons therefor.
- 5) If the application is deemed complete, the date of completion shall initiate the review period. If the application is deemed incomplete, the applicant shall be allowed 90 ninety days from the date of receipt of the notification to provide all necessary information to complete the application. Upon receipt of all additional information requested, IDPH the Agency shall again review the application for completeness and shall notify the applicant of its decision within ten working days. If IDPH the Agency finds that the application remains incomplete at the end of the allotted response period, the application shall be

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declared null and void, and all fees paid forfeited.

AGENCY NOTE: It is the responsibility of the applicant to assure that IDPH the Agency is in receipt of the additional information within the prescribed time frame.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.640 Extension of the Review Period Prior to Initial State Board Action

a) Requested and Supplemental Information

- 1) IDPH may request information or data during the review period. Information furnished at the request of IDPH the Agency shall not constitute supplemental information. IDPH may extend the review period until the next scheduled State Board meeting to review requested information.
- 2) Prior to initial State Board action, the applicant may provide supplemental information or data in support of the project only if such information is for a modification of the application. An applicant may submit supplemental information only once and only prior to initial State Board action. IDPH the Agency shall review the supplemental material within 60 days after of receipt and extend the review period if necessary and present its findings to the State Board for action at its next scheduled meeting.
- 3) Any subsequent submissions of additional or other supplemental information by the applicant prior to initial State Board action will not be considered in the review of the project and will be returned to the applicant and will not be included in the project file.
- 4) Written comments from persons parties other than the applicant regarding a proposed project shall not constitute requested or supplemental information. Persons submitting written comments must provide a copy to both IDPH and the applicant at least five business days prior to the State Board meeting where the application will be considered. The applicant shall be afforded an opportunity to address any written comments received that are in opposition to the proposed project at the State Board meeting.
- b) Modification
The review period may be extended up to 60 days by IDPH the Agency if the applicant modifies the application prior to initial review by the State Board.
- c) Deferral
The applicant may defer one time the initial consideration of a project by the State Board. A deferral extends from the State Board meeting at which the project has been scheduled to the next scheduled State Board meeting. A request for deferral may be made in writing

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prior to the scheduled State Board meeting or verbally at the State Board meeting.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.650 Modification of an Application

a) Modifications [as defined in Section 1130.140] shall be classified as Type A or Type B. Type A modifications shall be subject to the public hearing requirements of 77 Ill. Adm. Code 1200. If requested, a hearing would occur within the time allocated for IDPH Agency review. Type A modifications consist of any of the following:

- 1) An increase in the number of beds proposed in the project.
 - 2) A change in the site of the project to a new location within the planning area.
 - 3) An increase in the cost of the project exceeding ten percent of the original estimated project cost.
 - 4) A change in the square footage of the project if such change results in an increase in the exterior dimensions of the project.
 - 5) An increase in the categories of service to be provided.
 - 6) The addition of one or more co-applicants to the application.
- b) All other modifications, including those made by an applicant in conformance with and limited to the comments, recommendations or objections of the State Board, are Type B modifications and are not subject to public hearing.
- c) An applicant can modify a project only twice during the review period. If provided, however, notwithstanding anything contained herein to the contrary, an applicant may modify a project at any time if such modification is in conformance with and limited to the comments, recommendations or objections of the State Board.
- d) If an applicant modifies an application that is not a modification made in conformance with and limited to the comments, recommendations or objections of the State Board, IDPH the-Agency shall have up to 60 days to review the modification and any supplemental information submitted pursuant to the applicable review criteria, hold a public hearing if requested, and submit its findings to the State Board at the next scheduled meeting.

AGENCY NOTE: A change in any person who is the applicant or a change in site to a location outside the planning area originally identified in the application are not considered modifications, and if either occurs, the application shall be deemed void. (See also Section 1130.140+*+27.)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.660 Approval of an Application

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The approval of an application and issuance of a permit by the State Board requires eight ~~seven~~ affirmative votes. The State Board shall consider the application and any supplemental information or modification submitted by the applicant, IDPH the-Agency report(s), the public hearing testimony, if any, and other information coming before it in making its determination whether to approve the project. The applications are reviewed to determine compliance with review criteria enumerated in 77 Ill. Adm. Code 1110 and 1120 ~~7-1239-or-1240~~. The failure of a project to meet one or more review criteria, as set forth in 77 Ill. Adm. Code 1110 and 1120 ~~7-1239-or-1240~~ shall not prohibit the issuance of a permit. A permit is effective on the date of State Board authorization.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.670 Notice of Intent-to-Deny an Application

a) Issuance of Notice of Intent-to-Deny
If an application for permit fails to receive eight ~~seven~~ affirmative votes upon the initial State Board consideration, the applicant shall be issued a Notice of Intent-to-Deny the application for permit. The Notice of Intent-to-Deny shall be sent to the applicant by certified mail and shall afford the applicant an opportunity to appear before the State Board and an opportunity to submit additional information in support of the project.

b) Applicant's Response
The applicant shall notify the State Board in writing and within ten working days after ~~of~~ receipt of the Notice of Intent-to-Deny, whether it intends to:

- 1) appear before the State Board; and/or
- 2) submit additional information.

3) AGENCY NOTE: It is the responsibility of the applicant to assure that the State Board is in receipt of the response within the ten day prescribed time frame.

c) Action Following Notice of Intent-to-Deny
1) If the applicant waives the right to appear before the State Board or if a written response is not received within ten working days after of receipt of the notice of opportunity to appear, then the application shall be considered withdrawn.

2) If the applicant indicates that no additional information will be submitted, the State Board shall take action on the application at its next meeting.

3) If the applicant indicates that additional documentation shall be submitted, the applicant shall be afforded a period of 60 days from the date of the State Board's decision of Notice of Intent-to-Deny to submit such material. No material will be accepted by IDPH the-Agency after the 60 day period expires. IDPH the-Agency shall be allowed up to 60 days following the

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receipt of all material to review the material and issue a supplemental report. IDPH may request additional information or data during the review of the information submitted by the applicant. IDPH may extend the 60 day review period by no more than an additional 30 days to review the requested information. The project shall be considered at the next regularly scheduled State Board meeting following completion of IDPH the Agency review.

4) Written comments submitted to IDPH from persons other than the applicant regarding a proposed project that has received a Notice of Intent-to-Deny shall not be included in the project file. This provision does not apply to public hearing testimony or comments that are received pursuant to a Type A modification.

d) Deferrals

A project which has received a Notice of Intent-to-Deny and has been scheduled for State Board consideration can be deferred only by the applicant and only until the next scheduled State Board meeting.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.680 Denial of an Application

a) If an application for permit fails to receive eight seven affirmative votes upon the second State Board consideration, the applicant shall be issued a denial of the application for permit.

b) If the State Board denies an application for permit, the decision and notice of opportunity for administrative hearing (as set forth in 77 Ill. Adm. Code 1180) shall be transmitted to the applicant by certified mail.

c) At the conclusion of such administrative hearing, or upon default of the applicant, the State Board shall make its final administrative decision, specifying its findings of fact and conclusions of law. The Executive Secretary shall transmit the decision to the applicant by certified mail.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART G: PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION

Section 1130.710 Validity of Permits

A permit is effective on the date of State Board authorization.

a) A permit shall be valid until such time as the project has been completed, provided that obligation of the project occurs within 12 months following issuance of the permit except for "major construction projects" and Master Construction projects, in which case obligation

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must occur within 18 months unless the obligation period is extended by the State Board (as defined in Section 1130.730); and the project commences and proceeds to completion with due diligence (as defined in Section 1130.140). The obligation period shall be extended for any project for which issuance of a permit has been contested and is in administrative review. The obligation period will be extended by the length of time equal to the number of days from the date a summons was received until the date of final disposition of the suit. Projects, other than Master-Construction projects approved pursuant to a master design permit, under \$25 million must be completed within two years from the project commitment date; projects of \$25 million or more must be completed within two years from the project commitment date or by the completion date specified in the application or five years from the project commitment date, whichever is earlier. Permits for Master-Construction projects approved pursuant to a master design permit must be completed within the timetable for completion specified in the "Application for Permit." All permits for projects which are not completed in the timeframes specified shall expire for lack of due diligence, unless renewed by the State Board (as defined in Section 1130.740).

b) A permit is valid only for the defined construction or modification, equipment, site, amount and person(s) named in the application for such permit and shall not be transferable or assignable. A transfer or assignment of a permit includes a change in the person who is the permit holder; a change in the membership or sponsorship of a not-for-profit corporation which is the permit holder; or the transfer, assignment, or other disposition of ten percent or more of the stock or voting rights thereunder of a for-profit corporation which is the permit holder.

c) A permit shall not be bought, sold, nor transferred either on its own or as part of a transaction for a change of ownership of a health care facility or for the acquisition of major medical equipment. When a facility with a valid permit is purchased or otherwise acquired, such permit may not be transferred to allow the acquiring entity to complete the project for which the permit was granted. For projects not yet complete, an alteration must be obtained by the permit holder in accordance with the provisions of Section 1130.750. If a change of ownership occurs involving a valid permit which has not been completed the permit shall be considered abandoned by the permit holder.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.720 Authorization to Obligate and Obligation

a) Projects for construction, establishment or modification must be obligated (pursuant to Section 1130.140) prior to the expiration date of the permit.

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- b) Prior to obligation (for all projects except no cost projects for discontinuation), the permit holder must receive an authorization to obligate the project from IDPH the-Agency. Authorization is based on a demonstration by the permit holder of continued compliance with all financial and economic feasibility criteria and that the project is in accord with the representations contained in the application and in compliance with the alteration requirements in Section 1130.750. It is the responsibility of the permit holder to initiate the authorization to obligate process by written notification to IDPH the Agency.
- c) Prior to signing-the-principal-contracts-or-otherwise obligating the project pursuant to Section 1130.140 by-expending-an-amount-equal-to-or-exceeding--the-review--thresholds--for--capital--expenditures--or acquisition-of-major-medical-equipment--or-by-an-amount--equal--to--or greater--than--33%--of--the-permit-amount--whichever-is-less, the permit holder shall submit the following for an authorization to obligate request:

- 1) project identification information including permit number and name of permit holder;
- 2) documentation of sufficient financial resources to complete the project as evidenced by a commitment document from a financial institution or other lender indicating that funding will be provided or by certification that the governing body has authorized the release of funds and has reserved sufficient funds to complete the project a-statement--that--sources--of--financing have--not--changed--or--if--changed--to-what-degree-and-for-what reason;
- 3) a revised breakdown of project costs and sources of funds;
- 4) unsigned copies of all contracts, purchase orders or lease agreements involving the project; and
- 5) a statement which lists the alterations, if any, that are proposed;
- 6) proof that, if the project is subject to architectural/drawing review by IDPH (pursuant to licensing requirements), approval of such drawings has been obtained; and
- 7) if no alterations are proposed, certification that the project's scope is in accord with the representations contained in the application.

- d) Projects approved prior to March 1, 1995 which do not exceed ten percent of the originally approved permit amount and which reflect continued compliance with the debt financing limitations, the financial and economic feasibility requirements, and the alteration requirements of the State Board shall be authorized to obligate.
- e) Projects approved subsequent to March 1, 1995 which do not exceed the permit amount and which reflect continued compliance with the debt financing limitations, the financial and economic feasibility requirements, the documentation requirements of this Section and the alteration requirements of the State Board shall be authorized to

- f) Projects with altered permit amounts, regardless of the permit approval date, or the alteration approval date, which do not exceed the altered permit amount and which reflect continued compliance with debt financing limitations, financial and economic feasibility requirements, the documentation requirements of this Section and the alteration requirements of the State Board shall be authorized to obligate.
- g) Obligation of a project occurs only upon receipt of all documentation required pursuant to Section 1130.140 for project obligation.
- h) Permits for projects which have not been obligated prior to the expiration date of the permit shall be considered expired and the project abandoned.
- i) Failure to comply with the authorization to obligate requirements shall be cause for the State Board to initiate proceedings to revoke the permit and/or seek sanctions provided by the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.730 Extension of the Obligation Period

- a) The State Board may grant the permit holder a single extension of time to obligate the project. An extension shall not exceed three months and shall commence on the expiration date of the permit (i.e., 12 or 18 months from the date of State Board approval pursuant to Section 1130.710). Permits not obligated within approved time frames will expire.
- b) In requesting an extension, the permit holder shall describe, in writing, the events which have delayed the project's timely obligation and provide the following documentation:
- 1) for major construction proposals, evidence that design development drawings have been prepared;
 - 2) for provision of major equipment, evidence that suppliers have been solicited and cost estimates received;
 - 3) for provision of new services, evidence that substantial actions leading to the provision of such services have been accomplished;
 - 4) a revised schedule indicating how obligation will be accomplished within the extension period requested;
 - 5) evidence that approval of loans, issuance of bonds or other necessary means of financing have been approved or can be secured where necessary for project funding per the application;
 - 6) the amount of funds expended to date for the project.
- c) A request for extension shall be made in writing and shall be received by IDPH the-State-Agency no later than 45 forty-five days before the permit expiration date. A request for extension which is not submitted in accordance with this time frame above shall not be presented to the State Board for action.

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- d) The State Board shall evaluate the information submitted in making its determination whether to grant the extension. Projects which continue to comply with the provisions of 77 Ill. Adm. Code 1110 and 1120 and which have shown good cause by submitting the required information for an extension request specified in subsection (b) of this Section ~~Section--1130-730(b)~~, and that the causes for delays are beyond the permit holder's control, shall be approved for extension. ~~Eight Seven~~ affirmative votes are required for approval of an extension. Denial by the State Board of an extension request shall constitute the final State Board decision and is not subject to administrative appeal.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.740 Renewal of a Permit

A project must be completed within the timeframes specified in Section 1130.710(a) unless renewed by the State Board.

- a) Renewal of a permit by the State Board for projects not completed is subject to the following:

- 1) Projects which have not obtained permit renewals and which were obligated prior to May 1, 1990, must have obtained permit renewals no later than March 26, 1994.
- 2) Projects which have obtained permit renewals or which were obligated after May 1, 1990, must be completed or obtain permit renewals prior to the required project completion date.
- b) Failure to complete a project or to renew a permit within the prescribed timeframes shall result in the expiration of the permit for lack of due diligence, and the matter shall not be subject to an administrative hearing under 77 Ill. Adm. Code 1180 and the project shall be considered abandoned.

- c) A permit renewal shall commence on the expiration date of the original or renewed completion period.

- d) The request for permit renewal shall be in writing and shall be received by IDPH ~~the State Agency~~ at least 45 days but no more than 90 days prior to the expiration date of the completion period, and shall include the following information:

- 1) the requested completion date; and
- 2) a status report on the project detailing what percent has been completed and a summary of project components yet to be finished and the amount of funds expended on the project to date; and
- 3) a statement as to the reasons why the project has not been completed; and
- 4) evidence of financial commitment to fund the project; and
- 5) the anticipated final cost of the project.

- e) The State Board will evaluate the information submitted to determine if the project has proceeded with due diligence ~~as defined in Section 1130.140(k)(7)~~. ~~Eight Seven~~ affirmative votes are required to

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approve a renewal. Denial of a permit renewal request shall constitute the State Board's "Notice of Intent to Revoke" a permit and shall be subject to appeal under the provisions of 77 Ill. Adm. Code 1180 (Practice and Procedure in Administrative Hearings).

AGENCY NOTE: Permit revocation procedures are explained in Section 1130.780.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1130.750 Alteration of a Project for which a Permit Has Been Issued

A permit is valid only for the defined construction or modification, equipment, site, amount and person(s) named in the application. Any change to a project subsequent to the State Board's issuance of a permit constitutes an alteration to the project. All alterations are to be reported to the State Board. Certain alterations, if incurred, invalidate a permit; others require notice and approval from the State Board; and others require only notice to the State Board. Failure to provide notice of a proposed or incurred alteration is a violation of permit validity requirements of this Section and may result in the imposition of sanctions or penalties as provided by the Act.

a) The following alterations are not allowable and if incurred result in invalidating the permit:

- 1) an increase in the project costs that exceeds the lesser of 5% of the permit amount or the capital expenditure minimum prior to obligation of the project;
- 2) an increase in the project's gross square footage that exceeds the lesser of 5% of the project's approved gross square footage or 5,000 additional gross square feet prior to obligation of the project;
- 3) subsequent to project obligation, an increase in the project's gross square footage unless the increase is required or mandated by local, State, or federal building or life safety requirements that were not in effect at the time of project obligation.

b) The permit holder shall notify IDPH ~~the State Agency~~ in writing of any proposed or incurred alterations to a project for which a permit has been issued ~~prior to incurring the proposed alteration~~. The notice shall include a description of the alteration and related costs (if any) as well as information regarding financing for the cost increase (if any).

c) For alterations which require State Board approval per subsection (d) of this Section ~~Section--1130-750(e)~~, a request for alteration must be submitted to IDPH ~~the State Agency~~. The request must be received by IDPH at least 45 days prior to the next scheduled State Board meeting and contain a description of the proposed alteration, including related costs and financing, and must address all applicable review criteria related to the alteration.

d) The following proposed alterations are permissible prior to

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obligation of the project and require approval by the State Board prior to the permit holder incurring the alteration:

- 1) a change in the approved number of beds or stations; or
- 2) abandonment of a category of service approved; or
- 3) an increase in the square footage of the project that does not exceed the lesser of 5% of the approved square footage or 5,000 additional gross square feet if such increase is not in compliance with 77 Ill. Adm. Code 110-110 and 110-1120; or
- 4) for projects, other than Master-Construction projects approved pursuant to a master design permit, approved prior to March 1, 1995, an increase in the cost of the project which exceeds ten percent of the original approved permit amount; or
- 5) for projects approved subsequent to March 1, 1995, and for Master-Construction projects approved pursuant to a master design permit regardless of approval date, any increase in the cost of the project which exceeds the permit amount; or
- 6) for projects with altered permit amounts, regardless of permit approval date or alteration approval date, any increase in the altered permit amount; or
- 7) any increase in the amount of funds to be borrowed; or
- 8) any increase in the approved permit amounts for project cost components (line item amounts) if such increase is not in compliance with 77 Ill. Adm. Code 1120.

e) The following proposed alterations are permissible after obligation of the project and require approval by the State Board:

- 1) a change in the approved number of beds or stations; or
 - 2) abandonment of a category of service approved; or
 - 3) any change in the project's design or change in the project's gross square footage unless such change is required or mandated by local, State, or federal building or life safety requirements that were not in effect at the time of project obligation; or
 - 4) any increase in the amount of funds to be borrowed; or
 - 5) any increase in the permit amount; or
 - 6) any increase in project cost components (line item amounts) if such increase is not in compliance with 77 Ill. Adm. Code 1120.
- f) All alterations that do not require State Board approval or that do not invalidate a permit require only written notice to the State Board. Failure to provide such notice prior to incurring the alteration is a violation of the permit validity requirements of this Section and may result in the imposition of sanctions or penalties as provided by the Act.

g) Alteration Procedures

- 1) IDPH the--State--Agency shall review the alteration request for compliance with the review criteria and submit its findings to the State Board. If additional information is needed by IDPH the Agency to perform a review of the request, the permit holder shall be notified.
- 2) A request for alteration reviewed by the State Board is subject

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to the provisions of 77 Ill. Adm. Code 1110-1210-307 or 1120, which are applicable to the individual project. Any proposed increase to a permit amount that exceeds the State Board's thresholds for capital expenditures can be reviewed as an alteration to the project providing that there are no other components to the proposed alteration that, when taken as a separate component, require a permit under the Act. Such components and any other proposed alterations to a project which would, when taken as a separate component, require a permit under the Act, shall not be subject to review under this Section but shall require a new application.

h) Upon approval of a request for alteration, IDPH the--Agency shall revise the permit to reflect the alteration and shall adjust all inventories accordingly. If a permit holder reduces the scope or size of the project, the permit amount shall be reduced accordingly.

i) Decisions on requests for alteration shall be transmitted, in writing, to the permit holder by the Executive Secretary.

j) Eight Seven affirmative votes are required for approval of an alteration. The approval or denial of a request for alteration constitutes the State Board's final administrative decision. Approval of an alteration is based on the continued compliance of the project with 77 Ill. Adm. Code 1110 or 1120, as applicable.

k) Any alteration without State Board approval (when required) shall be considered a violation of the Act and shall be subject to the penalties mandated in the Act and in Section 1130.790.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 1130. APPENDIX A Annual Inflation Adjustments to Review Thresholds

1. Capital Expenditures (Other than Major Medical Equipment):

Baseline	Inflation Factor	Revised Review Threshold	Effective Date of Revision
\$2,000,000	1.07891	\$2,157,820	October 1, 1991
	1.0935	270707000	
\$2,157,820	1.02717	\$2,216,448	October 1, 1992
270707000	1.0935	27221750	
\$2,216,448	1.06350	\$2,357,193	October 1, 1993
27221750	1.0935	271577020	1994
\$2,357,193	1.02000	\$2,404,337	October 1, 1994
271577020	1.0927	2722167440	March-267-1993
\$2,404,337	1.02900	\$2,474,063	October 1, 1995
2722167440	1.0974	273577193	March-17-1995
\$2,474,063	1.03000	\$2,548,285	October 1, 1996
273577193	1.02400	\$2,609,444	October 1, 1997
\$2,548,285			

2. Major Medical Equipment:

Baseline	Inflation Factor	Revised Review Threshold	Effective Date of Revision
\$1,000,000	1.11827	\$1,118,272	October 1, 1991
	1.0920	170207000	
\$1,118,272	1.03600	\$1,158,530	October 1, 1992
170207000	1.0949	170707372	
\$1,158,530	1.02300	\$1,185,176	October 1, 1993
170707372	1.02300	171107272	1994
\$1,185,176	1.02299	\$1,212,422	October 1, 1994
171107272	1.02299	171507530	March-267-1993
\$1,212,422	1.02301	\$1,240,318	October 1, 1995
171507530	1.0923	171057176	March-17-1995
\$1,240,318	1.02400	\$1,270,086	October 1, 1996
171057176	1.02100	\$1,296,758	October 1, 1997
\$1,270,086			

3. Calculation of Inflation Factors:

Inflation factors, for capital equipment projects represent the percentage increase or decrease in the related health care costs from July 1st of the preceding calendar year to July 1st of the year for which the adjustment is to be made. The capital threshold is adjusted utilizing the annualized data from the report year as compared to the preceding year. A growth in costs of five percent during this twelve-month period would result in an inflation factor of 1.05.

4. Source of Data:

The capital expenditure threshold adjustment for all items other than major medical equipment is taken from the latest edition of the Hospitals component of Square Footage, Cubic Feet and Percent of Total Costs (item-400) from "Building Construction Cost Data 19907-40th Annual Edition."

The baseline threshold amounts have been adjusted for inflation for the period of 1988 to 1997. The calculated adjustment shown reflects the 1989 to 1990 time period.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Income Tax

2) Code Citation: 86 Ill. Adm. Code 100

3) Section Numbers: Proposed Action:

100.5200	Renumbered, New Section
100.5201	New Section
100.5205	Renumbered, Amendment
100.5210	Amendment
100.5220	Amendment
100.5230	Amendment
100.5240	Amendment
100.5250	Amendment
100.5260	Amendment
100.5265	New Section
100.5270	Amendment
100.5280	Amendment

4) Statutory Authority: 35 ILCS 5/502(e), 35 ILCS 5/1401(b)(2))

5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the combined return regulations to take into account the amendment to 35 ILCS 5/502(e) which makes filing of a single combined return by an affiliated group of corporations engaged in a unitary business mandatory, rather than elective, and to address combined return issues which have arisen since the regulations were promulgated.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
100.9710	New Section	1/2/98, 22 Ill. Reg. 174

10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate, nor does the rulemaking affect any existing state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

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Paul Caselton

Associate Chief Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62708
Phone: 217/782-7055

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Any small business engaged in unitary operations through 2 or more affiliated corporations will receive guidance necessary to computing its Illinois Income Tax liability as required under 35 ILCS 5/502(e).

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 100

INCOME TAX

SUBPART A: TAX IMPOSED

Section
100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS OCCURRING PRIOR TO DECEMBER 31, 1986

Section
100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope
100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions
100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members
100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards
100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of

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Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER DECEMBER 31, 1986

Section
100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986
100.2310 Computation of the Illinois Net Loss Deduction
100.2320 Determination of the Amount of Illinois Net Loss Carryovers
100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers
100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section
100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section
100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity

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SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF
BASE INCOME

Section
100.3000 Terms Used in Article 3 (IITA Section 301)
100.3010 Business and Nonbusiness Income (IITA Section 301)
100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section
100.3100 Compensation (IITA Section 302)
100.3110 State (IITA Section 302)
100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3200 Taxability in Other State (IITA Section 303)
100.3210 Commercial Domicile (IITA Section 303)
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other
than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
100.3310 Business Income of Persons Other than Residents (IITA Section 304) -
In General
100.3320 Business Income of Persons Other Than Residents (IITA Section 304) -
Apportionment
100.3330 Business Income of Persons Other Than Residents (IITA Section 304) -
Allocation
100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
100.3350 Property Factor (IITA Section 304)
100.3360 Payroll Factor (IITA Section 304)
100.3370 Sales Factor (IITA Section 304)
100.3380 Special Rules (IITA Section 304)
100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section
304(f))

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section
100.5000 Time for Filing Returns: Individuals (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section
505)

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Taxpayer's Notification to the Department of Certain Federal Changes
Arising in Federal Consolidated Return Years, and Arising in Certain
Loss Carryback Years (IITA Section 506)

SUBPART O: COMPOSITE RETURNS

Section
100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credit for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section
100.5200 Filing of Combined Returns Election-to-File-a-Combined-Return
100.5201 Definitions and Miscellaneous Provisions Relating to Combined
Returns

100.5205 Election to File a Combined Return
100.5210 Procedures Procedure for Elective and Mandatory Filing of Combined
Returns Making-the-Election
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Returns
100.5265 Common Taxable Year
100.5270 Computation of Combined Net Income and Tax
100.5280 Combined Return Issues Related to Audits Definitions--and
Miscellaneous-Provisions--Relating-to-Combined>Returns

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section
100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 701)
100.7060 Additional Withholding (IITA Section 701)
100.7070 Voluntary Withholding (IITA Section 701)
100.7080 Correction of Under withholding or Overwithholding (IITA Section
701)

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100.7090 Reciprocal Agreement (IITA Section 701)
100.7095 Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section
100.7100 Withholding Exemption (IITA Section 702)
100.7110 Withholding Exemption Certificate (IITA Section 702)
100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section
100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section
100.7300 Returns of Income Withheld from Wages (IITA Section 704)
100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)
100.7320 Time for Filing Returns (IITA Section 704)
100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340 Correction of Under withholding or Overwithholding (IITA Section 704)

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100.9000 General Income Tax Procedures (IITA Section 901)
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SUBPART V: NOTICE AND DEMAND

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100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section
100.9300 Deficiencies and Overpayments (IITA Section 904)
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100.9320 Limitations on Notices of Deficiency (IITA Section 905)
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SUBPART Y: CREDITS AND REFUNDS

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100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section
100.9500 Access to Books and Records (IITA Section 913)
100.9505 Access to Books and Records -- 60-Day Letters (IITA Section 913)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings

SUBPART AA: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section
100.9700 Unitary Business Group Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section
100.9800 Letter Ruling Procedures

APPENDIX A Business Income Of Persons Other Than Residents
TABLE A Example of Unitary Business Apportionment

TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 P. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November

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13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 5981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 2234, effective January 9, 1998; emergency expired July 24, 1997; amended at 22 Ill. Reg. _____, effective _____.

SUBPART P: COMBINED RETURNS

Section 100.5200 Filing of Combined Returns Election-to-File-a-Combined-Return

For a number of years, Illinois corporate taxpayers that were members of a unitary business group were able to elect to file combined returns. Section 100.5205 provides guidance for the tax years for which this election was available. Taxpayers are now required to file combined returns in certain situations. For taxable years ending on or after December 31, 1993, taxpayers that are corporations (other than Subchapter S corporations) and that are members of the same unitary business group shall be treated as one taxpayer for purposes of any original return, amended return which includes the same

taxpayers of the unitary group which joined in filing the original return, extension, claim for refund, assessment, collection and payment and determination of the group's tax liability under the Act (IITA Section 502(e)). The rules in this Subpart P are promulgated under the express statutory direction that the Department shall make, promulgate and enforce such reasonable rules and regulations, and prescribe such forms as it may deem appropriate, to require all taxpayers that are corporations (other than Subchapter S corporations) and that are members of the same unitary business groups to be treated as one taxpayer. (IITA Section 1401(b)(2))

(Source: Old Section 100.5200 renumbered to Section 100.5205 and new Section 100.5200 added at 22 Ill. Reg. _____, effective _____)

Section 100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns

- a) In general. These definitions and provisions apply to this Subpart P.
- b) Combined group. The term "combined group" means those eligible members of a unitary business group who have made an election to be treated as one taxpayer, or who are required to be treated as one taxpayer, under IITA Section 502(e).
- c) Combined return. The term "combined return" means a single tax return filed on behalf of a combined group. A combined return shall be filed using a single Form IL-1120 with Schedule UB (Unitary Business Schedule).
- d) Combined return year. The term "combined return year" means a taxable year for which a combined return is filed or is required to be filed.
- e) Common taxable year. The term "common taxable year" means the taxable year used by a combined group in reporting its combined net income, as determined under the provisions of Section 100.5265.
- f) Controlling corporation. The "controlling corporation" of a combined group is the corporation, if any, that directly or indirectly owns a controlling interest in all of the other eligible members of a combined group. A controlling interest means more than 50% of the outstanding voting stock of a member. Indirect ownership of an interest in a corporation includes constructive ownership (under Section 318 of the Internal Revenue Code) of an interest in the corporation which is owned by a related party, whether or not the related party is itself a member of the combined group.
- g) Designated agent. The term "designated agent" means the member appointed under Section 100.5220.
- h) Election. The term "election" refers to the election provided in Section IITA 502(e), as in effect for taxable years ending prior to December 31, 1993, to be treated as one taxpayer.
- i) Eligible member. The term "eligible member" means a corporation which is a member of a unitary business group and which has taxable presence in Illinois. Part-year members of a unitary business group are

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eligible members. Noncorporate taxpayers and Subchapter S corporations are not eligible members, either in combination with corporations which are eligible members or in combination with other noncorporate taxpayers or Subchapter S corporations. Members of a unitary business group are eligible members even though the unitary business group includes noncorporate members or Subchapter S corporations which are not eligible to join in the filing of a combined return.

j) Separate company return. The term "separate company return" means an Illinois income tax return filed by a corporation which is not a member of a combined group.

k) Separate company items. The term "separate company items" means the income, deductions, credits, tax liability and other facts of a corporation relevant to the computation of its Illinois Income Tax liabilities, determined as if such corporation was neither a member of an affiliated group filing consolidated federal income tax returns nor a member of a combined group.

l) Separate unitary return. The term "separate unitary return" means an Illinois income tax return of a member of a unitary business group which has not elected to file a combined return for a taxable year ending prior to December 31, 1993 or by a member of a unitary business group which is not eligible to join in the filing of a combined return.

m) Unitary business group. The term "unitary business group" shall have the same meaning as provided in IITA Section 1501(a)(27) and Section 100.9700 of this Part.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 100.5205 Election to File a Combined Return

a) Effective date. The provision allowing corporations to elect to be treated as a single taxpayer was in effect for taxable years ending on or after December 31, 1985, and before December 31, 1993.

be) Scope of the election. Pursuant to IITA Section 502(e) 502(f), Illinois corporate taxpayers that are corporations (other than Subchapter S corporations) having the same taxable year and that are members of the same unitary business group may elect to be treated as one taxpayer for purposes of any original return, amended return which includes the same taxpayers of the unitary group which joined in the election to file the original return, extension, claim for refund, assessment, collection and payment and determination of the group's tax liability under the Act. Section 502 (e) of the Act does not permit the election to be made for some, but not all, of the purposes enumerated above. For taxable years ending on or after December 31, 1987, corporate members (other than Subchapter S corporations) of the same unitary business group making the subsection (e) election are not required to have the same taxable year. (IITA Section 502(e))

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taxpayers (other than S corporations) that are members of a unitary business group may elect to be treated as one taxpayer for purposes of original returns, amended returns, extensions, claims for refund, assessment, collection, payment and determination of their tax liability. The election once made must apply for all of the above purposes, not just some. Returns filed pursuant to this election will be carried combined returns. Corporations electing to file a combined return shall use a single Form 1120 with Schedule B-1 (Unitary Business Schedule).

cb) The this election under IITA Section 502(e) is not an election to be a member of a unitary business group. Membership in a unitary business group is mandatory if the criteria for inclusion are met, and is determined under IITA Section 1501(a)(27) (28) and regulation Section 100.9700 of this Part. If a unitary business group does not elect to file a combined return, each Illinois taxpayer member of that group will be treated as a separate taxpayer for all Illinois income tax purposes except for the apportionment of unitary business income. Such taxpayers members shall each file their own separate unitary returns but on a unitary apportionment basis.

dc) Except as expressly provided, Effective Date: The election to be treated as a single taxpayer is available for taxable years ending on or after December 31, 1985. Regulation Sections 100.5201 100.5200 through 100.5280 of this Subpart are applicable to all elections made pursuant to IITA Section 502(e) 502(f).

(Source: Renumbered from Section 100.5200 and amended at 22 Ill. Reg. _____, effective _____)

Section 100.5210 Procedures Precedure for Elective and Mandatory Filing of Combined Returns Making the Election

a) Conditions of the election and election procedures. This subsection (a) applies to taxable years ending on or after December 31, 1985 and prior to December 31, 1993 Eligibility.

1) Conditions

A) Corporate taxpayers that are members of the same unitary business group and have the same taxable year are eligible for the election. Part year members are eligible for the election. Noncorporate taxpayers and S corporations are not eligible. The election is available to corporate members even though the unitary group includes noncorporate members or S corporations. The election is also available to taxable though other corporate members have a different taxable year. The election, if made, must include all eligible filers. Taxpayer members of the unitary business group, not just some. Noncorporate members and corporate members with different taxable years shall file their own separate returns on a unitary basis.

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- B) For taxable years ending on or after December 31, 1987, taxpayers are not required to have the same taxable year.
- C) For taxable years ending on or after December 31, 1985 and before December 31, 1987, taxpayers were required to have the same taxable year to be eligible for the election. Corporate members with taxable years which were different from the common taxable year were required to file their own separate unitary returns or, in the case of if two or more other corporate members which have the same taxable year that is different from other corporate members making the election, they were allowed to may elect to file their own combined return.

2b) Consent. The election to file a combined return shall be upon the condition that all eligible members of the unitary business group which at any time during the taxable year are eligible to make the election shall consent to the combined return regulations this Subpart 7-Section 100-5200 through 100-5200 of this Part, and shall consent to be represented by the designated agent appointed named on the Schedule UB in all matters making of a combined return that includes the income and factors of any eligible member shall be the consent as to that member. If an eligible member fails to have included its income and factors included in the combined return, then the tax liability of that member shall be determined on the basis of a separate unitary return unless the failure of such member was due to a mistake of law or fact, or to inadvertence (as determined by the designated agent) in which case the failure must be corrected prior to the issuance of any Notice of Deficiency. Where such failure is corrected, such member shall be treated as if it had properly consented and been included in the election from the beginning.

3e) Making the election. The election is to be made by properly completing and filing a combined return (using Form IL-1120 and Schedule UB) by its due date (including extensions). In the case of a first combined return year, a combined request for extension of time to file the first combined return can be made.

4d) Revocation. An election to be treated as a single taxpayer for the purposes set forth in IITA Section 502(e) remains in effect until it is revoked. If a taxpayer ceases to be a member, or was never properly not a member, of a unitary business group for which an election is in effect, the election will automatically be revoked as to that taxpayer. In the case of a taxpayer that was improperly included in a combined return and whose election has been revoked, the Department shall consider the combined return to be the return filed by the taxpayer only for the limited purposes of determining the limitations period within which certain actions must occur (e.g., the limitations period

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for issuing a notice of deficiency) and shall use the filing date of the combined return for purposes of determining any late filing penalty. Once an election is in effect for a taxable year, it cannot be revoked for that year unless the combined group is not a unitary business group, in which case the election will automatically be revoked. The Department shall revoke the election for abusive failure to comply with these regulations, such as blatant omission of members or a non-responsive designated agent, if the failure is not rectified after notification to the designated agent. The designated agent may revoke the election on behalf of all members for any taxable year by notifying the Department in writing of its intent prior to the due date for the filing of the return (excluding extensions) at the address stated in the instructions of Schedule UB.

b) Mandatory filing of combined returns.

- 1) For taxable years ending on or after December 31, 1993, each group of eligible members is required to file combined returns and to be treated as one taxpayer for purposes of any original return, amended return which includes the same taxpayers of the unitary group which joined in filing the original return, extension, claim for refund, assessment, collection and payment and determination of the group's tax liability under the IITA.
- 2) Each combined group is required to properly complete and file a combined return (using Form IL-1120 and Schedule UB) by the due date of the return (including extensions). For the first year for which a combined return must be filed, a single combined request for extension of time to file the return can be made by one member acting as designated agent on behalf of the entire combined group, even though the designated agent will not actually be appointed until the combined return is filed.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100-5220 Designated Agent for the Members

- a) Qualification. The electing members of a combined group must designate the controlling corporation common parent as the agent if the controlling corporation it is a member of the combined unitary business group and is also making the election. Otherwise, the electing members of the combined group must choose which Illinois taxpayer member will be the designated agent. Designation of the agent is made on Schedule UB. Instances in which a controlling corporation will not be a member of the combined group include:

- 1) The combined group is comprised of corporations which are wholly owned by an individual. In this instance, there is no controlling corporation.
- 2) A manufacturing corporation required to apportion its business

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income under IITA Section 304(a) owns a unitary business group of financial organizations required to appoint their business income under IITA Section 304(c). IITA Section 1502(a)(27) provides that corporations which use different apportionment formulas under IITA Section 304 may not be included in the same unitary business group. Accordingly, the controlling corporation in this example may not be in the same combined group as its financial organization subsidiaries.

3) The controlling corporation does not have nexus with Illinois, and thus is not an Illinois taxpayer. Only Illinois taxpayers may be members of a combined group.

b) Scope of Agency. The designated agent, for all purposes other than the making of the consent required by Section 100.5210(a)(2) of this Part (b), shall be the sole agent for each member of the combined group, duly authorized to act in its own name in all matters relating to the tax liability for the combined return year. Except as provided in the preceding sentence, no member shall have authority to act for or to represent itself in any such matter. For example, all correspondence between the Department and the combined group will be carried on directly with the designated agent; the designated agent shall file for all extensions of time; notices of deficiencies will be mailed only to the designated agent, and the mailing to the designated agent shall be considered as a mailing to each member in the group; notice and demand for payment of taxes will be given only to the designated agent and such notice and demand will be considered as notice and demand to each member. All taxes, including estimated taxes, shall be paid in the name of the designated agent. The designated agent shall participate in investigations and hearings on behalf of each member; it shall make available the information necessary to conduct those proceedings; and it may execute a power of attorney on behalf of itself and the other members of the combined group that made the election. The designated agent will file combined returns and claims for refund or credit, and any refund will be made directly to and in the name of the designated agent and will discharge any liability of the State in respect thereof to any electing member of the combined group; and the designated agent in its name will give waivers and execute closing agreements and all other documents, and any waiver so given, or agreement or any other document so executed, shall be considered as having also been given or executed by each electing member of the combined group. Notwithstanding the preceding provisions, if the Department deals in good faith with a member representing itself to be designated agent for a combined group, any action of such member or of the Department in the course of such dealing shall have the same effect as if such member were the designated agent.

c) Notices from the Department. Notwithstanding the provisions of subsection (b) above, any Notice of Deficiency notice of deficiency, in respect to of the tax for a combined return year, will name each

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member-of-the-unitary-business-group-and identify each corporation which was a member of the combined group electing-members during any part of the such period covered by such notice. A failure to properly list all members of the combined group will not affect the validity of the Notice of Deficiency notice-of-deficiency as to any member. Any notice and demand for payment will be sent to the designated agent and the Department will, if requested by the designated agent, name each member-of-the-unitary-business-group-and identify each corporation which was a member of the combined group electing-members during any part of the period for which the notice and demand is issued. Any levy, any notice of a lien, or any other proceeding to collect the amount of any assessment, after the assessment has been made, will name the corporation from which such collection is to be made.

d) The provisions of subsections (b) and (c) above shall apply to those tax years for which a combined return is required to be made, covered-by-the-election whether or not a combined return is made for any subsequent year, and whether or not one or more persons members have become or have ceased to be members of the combined group at any time. However

1) Once a member of a combined group is appointed as the designated agent for that combined group, it shall remain the designated agent for all future years unless:

A) the designated agent ceases to be an eligible member of the combined group, in which case a new designated agent must be appointed for purposes of common taxable years ending after the date the designated agent ceases to be an eligible member;

B) the controlling corporation of the unitary business group either becomes an eligible member or is replaced as controlling corporation by an eligible member, at which time the controlling corporation shall become the designated agent for purposes of common taxable years ending thereafter.

2) The designated agent which files a return for a common taxable year must continue to act as designated agent for the combined group for that common taxable year unless:

A) the designated agent is being dissolved or a new designated agent has been appointed for the combined group under subsection (d)(1) above, and, in either case, the designated agent notifies the Department in writing that another member of the combined group (or a successor corporation of any member of the combined group) will thereafter act as designated agent for that common taxable year. The member appointed as the substitute designated agent for this purpose need not be the new designated agent appointed under subsection (d)(1) above. The substitute designated agent will succeed to the rights and responsibilities of the former designated agent under subsections (b) and (c) above.

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and may in turn appoint another substitute designated agent under this subsection (d)(2)(A); or

B) if the designated agent is unable or unwilling to satisfy the tax liability of the combined group or is unresponsive, the Department may, upon notifying the designated agent, deal directly with any member of the combined group in respect to of its liability, in which event such member shall have full authority to act for itself.

e) Notification of deficiency to corporation which has ceased to be a member of the combined group. If a corporation that made the election to file or was required to join in the filing of a combined return has ceased to be a member of the combined group, and if such corporation files written notice of such cessation with the Department, then the Department upon request of such corporation will furnish it with a copy of any Notice of Deficiency notice-of-deficiency in respect to of the tax for a combined return year for which it was a an-electing member of the combined group and information regarding any notice and demand for payment of such deficiency. The written notice of cessation should be mailed to the address stated in the instructions to Illinois Schedule UB. The filing of such written notification and request by a corporation shall not have the effect of limiting the scope of the agency of the designated agent provided for in subsection (b) above subparagraph-(a)-of-this-Section with respect to those tax years during which the corporation was a member of the combined group covered-by-the-election and a failure by the Department to comply with such written request shall not have the effect of limiting the liability of such corporation provided for in Section 100.5250 of this Part.

f) Appointment of designated agent for purposes of resolving disputes over membership in a combined group. If the Department determines that one or more corporations which did not join in the filing of a combined return are members of a combined group, or that one or more corporations which did join in the filing of a combined return are not members of the combined group which filed the return, then, for purposes of resolving disputes over the membership of the combined group and any separate company item of any such corporation: Effect-of dissolution-or-cessation-of-designated-agent:--if-the-designated-agent contemplates--dissolution--or--is--about--to-be-dissolved--or--for-any reason-its-existence-is-about-to-terminate--or-if-it-has-ceased-to-be a-member-of-the-group--it-shall-immediately-notify-the-Department-of such-fact-in-writing-at-the-address--stated--in--the--instructions--to Illinois--Schedule--UB:--Until--such--notice-has-been-received-by-the Department--any-notice-of-deficiency-or-other-communication-mailed--to the--designated--agent--shall--be--considered--as--having-been-property mailed-to-the-agent-of-the-electing-members:--The-new-designated-agent shall-be-selected-in-the-manner-prescribed-in-subsection-(a)-

1) If no combined return was filed, the corporations may appoint a member of the combined group as the designated agent solely for

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purposes of contesting the Department's determination. The Department may accept a written representation made by any member of the combined group that it has been appointed the designated agent. The appointment of a designated agent under this subsection (f) shall not be construed as a concession by either the corporations or the Department regarding the proper composition of the combined group. The designated agent appointed under this subsection (f) shall have all rights and responsibilities of a designated agent under this Section. The designated agent appointed under this subsection (f) must meet the qualifications of subsection (a) of this Section and must continue to act as designated agent for the combined group under the provisions of subsection (d) of this Section.

2) If a combined return was filed, the designated agent which filed the return shall represent all corporations which joined in the filing of the combined return and all corporations which the Department asserts are members of the combined group; provided, however, that the Department may allow any corporation which the Department asserts should be added to or eliminated from the combined group included in the return to represent itself after receipt of a written request from such corporation; provided further that, in such case, any such corporation shall be bound by any action taken by the designated agent (including, for example, extensions of the statute of limitations, settlements, stipulations or concessions of fact) before the request of such corporation to represent itself has been accepted by the Department.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.5230 Combined Estimated Tax Payments

a) In general. If a combined return is filed for two consecutive taxable years, payments of estimated tax must be made on a combined basis for each subsequent taxable year, until such time as-the-election-is revoked-and separate returns are properly filed. For the taxable years in which combined estimated payments are required, the combined group shall be treated as one taxpayer for purposes of IITA Section 803 of--the--Act (relating to payment of estimated tax). If separate returns are properly filed in a year after a combined return year, the amount of any estimated tax payments made on a combined basis for such year shall be credited against the separate tax liabilities of the former electing members of the combined group in the manner allocated by the designated agent which is satisfactory to the Department. The manner of allocation will be satisfactory to the Department if it does not jeopardize the collection of any liability and does not conflict with any allocation made under Section 100.5250(d)(2) of this Part.

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b) First two combined return years. For the first two years for which a combined return is filed, payments of estimated tax may be made on either a combined or separate basis. The amount of any separate estimated tax payments made for such year shall be credited against the combined tax liability. The designated agent shall give notice, in the manner and form prescribed by the Department in the instructions to Illinois Schedule UB, of any estimated payments made on a separate basis for any such year.

c) Penalty for underpayment of estimated tax.

1) In general. If a combined return is filed, the amount of any penalty for underpayment of estimated tax shall be computed as if the combined group electing members were one taxpayer.

2) Penalty in the first combined return year. In the first combined return year, the determination of any penalty due under IITA Section 804 (including, for taxable years ending prior to December 31, 1990 the application of the exceptions under former IITA Section 804(c)) shall be made using determined-based-on the aggregate of the tax and income shown on the returns filed by members of the combined group for the previous year.

3) Combined payments made but separate returns filed for a tax year following a combined return year. If a combined group makes former-electing-members-properly-file-separate-returns-for-the-taxable-year-and-if payments of estimated tax were-made on a combined basis for all or any part of a taxable year, and its members properly file separate returns for the taxable year, the payments made shall be allocated in the manner provided by subsection (a). The determination of any penalty due from any of the members of the combined group making the estimated payments, as imposed under IITA Section 804 (including, for taxable years ending prior to December 31, 1990, the application of the exceptions under prior IITA Section 804(c)), shall be made using determined-based-on each former electing member's separate company items allocated-share-of-tax-and-income from the combined return filed for the previous year and such member's allocated share of the combined estimated payments for the current year. The allocated shares shall be reported to the Department by the designated agent in the manner prescribed in the instructions to Schedule UB.

4) Combined payments made but separate returns filed for a tax year not following a combined return year. If combined estimated payments are made for a tax year but no combined return is filed for that year and no combined return was filed in the previous year, the estimated tax shall be a credit only for the corporation that made the payment.

d) Change in membership.

1) Entering. If a non-eligible corporation becomes a member of a new or existing combined group during a common taxable combined-return year (the "entry year") for-purposes-of

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computing-the-exceptions-under-IITA-Section-804:

A) for purposes of applying IITA Section 804 for the entry year, such corporation's separate company items tax-net income-and-facts shown on its return for its the-preceding taxable year preceding the entry year shall be included with the corresponding items of the members of the combined group tax-net-income-and-facts-shown-on-the-combined-return for the common preceding taxable year preceding the entry year; if such corporation is not a member of the combined group for the entire entry year, for purposes of applying IITA Section 804 to the common taxable year immediately following the entry year, such corporation's separate company items for that portion of the entry year prior to the date of the entry shall be included with the corresponding items of the combined group for that taxable year; and

C) if a corporation was a member of another combined group during any portion of the entry year in which it becomes a member of a second combined group or during any portion of the preceding taxable year, for purposes of applying subsections (d)(1)(A) and (B) of this Section, such corporation's separate company item shall include the items attributed to such corporation by the designated agent of the first combined group under subsection (d)(2) below.

2) Leaving.

A) If a non-electing corporation leaves a combined the group during a common taxable combined-return year (the "departure year"): 7

i) for purposes of applying computing-the-exceptions under IITA Section 804 to the combined group for the departure year, the separate company items attributed for-such-combined-return-year-the-tax-net-income-and-facts-for-the-preceding-taxable-year-attributable to such corporation shall be separately identified by the designated agent for the common taxable year preceding the departure year shall be excluded from the corresponding items of the combined group as if such corporation had not been a member of the combined group during the common taxable year preceding the departure year; as-if-the-corporation-was-not-a-member-of-the-group-for-the-preceding-taxable-year.

ii) in the case of a corporation departing a combined group after the beginning of the departure year, for the purposes of applying IITA Section 804 to the combined group in the common taxable year beginning after the departure year, separate company items attributed to such corporation by the designated agent for the portion of the departure year prior to its departure shall be excluded from the corresponding

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items of the combined group as if such corporation had not been a member of the group during that portion of the departure year; and

- iii) for purposes of applying IITA Section 804 to such corporation, for the first taxable year of the corporation beginning after the date of departure, and, in the case of a corporation that leaves a group prior to the end of such corporation's taxable year, for the portion of its separate taxable year remaining after the date of departure, such corporation shall take into account the separate company items attributed to it by the designated agent under subsections (d)(2)(A)(i) and (ii) of this Section.

B) If the designated agent fails to make reasonable correct attributions of separate company items, as described in subsections (d)(2)(A)(i) and (ii) of this Section, prior to the date on which the first Illinois Income Tax return for the departure year is filed by either the combined group or such corporation, no items shall be attributed to such corporation for purposes of applying Section 804 to the combined group or to such corporation; ~~no exceptions to the Section-804-penalty-shall-apply.~~

e) Examples. The provisions of this Section may be illustrated by the following examples:

- 1) Example 1.- Corporations P and S-1 file a combined return for the first time for calendar year 1985. P and S-1 also file combined returns for 1986 and 1987. For 1985 and 1986, P and S-1 may make payments of estimated tax on either a separate or combined basis. For 1987, however, the group must pay its estimated tax on a combined basis. In determining whether P and S-1 come within the exception provided in IITA Section 804(d)(1) (as in effect for 1985), the "tax shown on the return" is the aggregate amount of tax shown on the separate returns of each member for 1984.
- 2) Example 2.- Corporations X and Y filed combined returns for the calendar years 1985 and 1986 and separate returns for 1987. In determining whether X or Y comes within the exception provided in IITA Section 804(d)(2) (as in effect for 1987), the "facts shown on the return" are the facts shown on the combined return for 1986 attributable to X and to Y by the designated agent.
- 3) Example 3.- Assume the same facts as in example (1). Assume further that corporation S-2 becomes a member of the group on July 1, 1987, and joins in the filing of the combined return for 1987. In determining whether the group (which now includes S-2) comes within the exception provided in IITA Section 804(d)(1) (as in effect for 1987), the "tax shown on the return" is the tax shown on the combined return for 1986 plus any tax of S-2 on its separate return for 1986. In addition, for purposes of applying

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IITA Section 804(d)(2) (as in effect for 1987), the "facts shown on the return" for 1986 shall include the facts shown on the combined return plus the separate company items of S-2 for 1986. In applying IITA Section 804(d) for 1988, the "tax shown on the return" and the "facts shown on the return" for 1987 shall include the separate company items of S-2 for the period prior to the July 1, 1987 date of its entry into the combined group.

- 4) Example 4.- Assume the same facts as in Example 1 ~~example--(1)~~. Assume further that corporation S-2 is a member of the group during 1986, and joins in the filing of the combined return for such year, but ceases to be a member of the group on September 15, 1987. In determining whether the group (which no longer includes S-2) comes within the exception provided in IITA Section 804(d)(1) (as in effect for 1987), the "tax shown on the return" is the tax shown on the combined return for 1986 less the amount attributed to S-2 by the designated agent. In applying IITA Section 804(d)(2), the "facts shown on the return" for 1986 will exclude the separate company items attributed to S-2 by the designated agent. Likewise, with regard to S-2's return, the "tax shown on the return" and the "facts shown on the return" for 1986 shall be ~~is~~ the amounts amount attributed to S-2 by the designated agent.

- 5) Example 5. Assume that, on July 1, 1996, S-3 becomes a member of a combined group. Both S-3 and the combined group use a calendar taxable year. For purposes of applying IITA Section 804(c)(1)(B)(ii) for 1996, the "tax shown on the return of the taxpayer for the preceding taxable year" shall include the tax shown on the combined return for 1995 plus the tax shown on S-2's separate return for 1995. If S-3 was a member of another combined group during 1995, the tax attributed to it for 1995 by the designated agent of its former combined group shall be added to the tax shown on the combined return of its new group for 1995. For purposes of applying IITA Section 804(c)(1)(B)(ii) for 1997, the "tax shown on the return of the taxpayer for the preceding taxable year" shall include the tax reported by S-3 on its separate company return for the period ending prior to its July 1, 1996 entry into the group or any tax liability of its former combined group for 1996 attributed to it by the designated agent of the former combined group.

- f) For tax years ending on and after December 31, 1990, IITA Section 804(e) provides that the penalty imposed by Section 804(a) will not be imposed "if the taxpayer was not required to file an Illinois income tax return for the preceding year." Because a combined group is treated as a single taxpayer, this exception to the Section 804 penalty shall apply to a combined group only if none of its members were required to file an Illinois income tax return for the preceding year.

- g) If a designated agent makes estimated payments on the erroneous

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premise that a corporation is an eligible member of the combined group, and discovers the error prior to the time the combined group and the corporation file their respective returns, the designated agent of the combined group may allocate some or all of the estimated payments made on behalf of the combined group to such corporation, and the combined group and the corporation will each compute their penalties as if the estimated payments allocated to such corporation had actually been paid by it rather than by the combined group. The amount of estimated tax payments allocated to such corporation pursuant to this subsection (g) must be consistent with the amounts allocated to such corporation under Section 100.5250(d)(2) of this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.5240 Claims for Credit of Overpayments

a) In general. If a taxpayer becomes a member of a combined group during a common taxable year in the first taxable year that a member joins in the filing of a combined return, any requested credit carryforward shown on its separate return for the taxable period ending with its entry into the combined group previous year shall be credited against the next year's combined liability, and the designated agent shall claim this credit on the combined return, for the taxable year in which the member joins the combined group. A taxpayer Any electing member that leaves a combined group may not claim a credit shown on a combined return against its separate tax liability in a subsequent taxable year. When an election is revoked, any claim for credit shown on the last combined return shall be credited against the separate liabilities of the electing members in the manner designated by the designated agent that is satisfactory to the Department. The manner designated will be satisfactory to the Department if it does not jeopardize the collection of any liability.

b) Examples. The provisions of this Section may be illustrated by the following examples:

1) Example 1. Corporation P and S-1 file a combined return in 1985. S-2 becomes an eligible member on January 1, during 1986. S-2's 1985 overpayment of tax which it elected to be credited to 1986 shall be utilized against the combined 1986 liability.

2) Example 2. The 1985 combined return of P, S-1 and S-2 shows an overpayment which the designated agent elects as a credit against its 1986 liability. If S-2 leaves the combined group during 1986 it does not share in the overpayment credit.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 100.5250 Liability for Combined Tax, Penalty and Interest

a) Joint and several liability of electing members of a combined group. The members of a combined group the taxpayers making the election shall be jointly and severally liable for the combined tax, penalty and interest computed in accordance with these combined return regulations, Sections 100.5200 through 100.5209 of this Subpart P Part, as well as the Uniform Penalty and Interest Act and rules adopted pursuant to the UPIA at 86 Ill. Adm. Code 700.

b) Effect of intercompany agreements. No agreement entered into by one or more members of a combine the group with any other member of such group or with any other person shall in any case have the effect of reducing the liability prescribed under this Section.

c) Penalties. If a penalty is imposed under the ITRA and the UPIA with respect to a combined return year, the amount shall be based on the combined tax liability or deficiency for the common taxable combined return year.

1) For purposes of applying the penalties for failure to file a return imposed by Section 3-3(a) and Section 3-3(a-5) of the Uniform Penalty and Interest Act (the "UPIA"; 35 ILCS 735/3-3):

A) A corporation which erroneously fails to join in the filing of a combined return, but which timely files a separate Illinois income tax return or joins in the timely filing of a combined return for another combined group, shall not be subject to any penalty. In determining whether such separate or combined return is timely filed, the separate taxable year of such corporation or the common taxable year of the combined group such corporation erroneously joined shall be used, rather than the common taxable year of the combined group with which such corporation should have filed.

B) A corporation which erroneously fails to join in the filing of a combined return, and which fails, without reasonable cause, to timely file a separate Illinois income tax return or to join in the timely filing of a combined return for another combined group, shall be subject to penalty computed on the amount of tax shown (or required to be shown) due on the combined return for its proper combined group. Because it is the duty of the designated agent, acting on behalf of the combined group, to include such corporation in the combined return, the members of the combined groups shall be jointly and severally liable for the penalty.

C) A corporation which erroneously joins in the timely filing of a combined return shall not be subject to penalty for failure to file a return.

2) For purposes of applying the penalty for failure to timely pay tax imposed by UPIA Section 3-3(b) [35 ILCS 735/3-3(b)]:

A) In a case where a corporation erroneously fails to join in

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the filing of a combined return for a common taxable year, neither that corporation nor the combined group shall be subject to any failure-to-pay penalty under UPIA Section 3-3(b)(1) if timely payment is made of the tax shown on a separate return filed by such corporation or on a combined return in which it erroneously joins in filing for each taxable year ending with or within such common taxable year. Unless there is reasonable cause for the failure of such corporation to join in the filing of the combined return, such corporation and the combined group may be jointly and severally liable for a penalty under UPIA Section 3-3(b)(2) for failure to pay any additional amount which would have been shown on the combined return had such corporation been included.

B) A corporation which erroneously fails to join in the filing of a combined return for a common taxable year and also fails to timely pay the tax shown on a separate return it files or on a combined return in which it joins in filing for each taxable year ending with or within such common taxable year shall be subject to penalty under UPIA Section 3-3(b)(1) only for failure to pay the tax shown on the return it actually files or joins in filing. Unless there is reasonable cause for the failure of such corporation to join in the filing of the combined return, such corporation and the combined group may be jointly and severally liable for a penalty under UPIA Section 3-3(b)(2) for failure to pay any additional amount which would have been shown on the combined return had such corporation been included.

C) If a corporation erroneously joins in the filing of a combined return, neither such corporation nor the combined group shall be subject to penalty under UPIA Section 3-3(b)(2) for failure to pay any tax required to be shown on a separate company return and the combined group shall not be subject to penalty under UPIA Section 3-3(b)(2) for failure to pay any increase in tax resulting from the exclusion of such corporation from the combined group if the tax timely paid with the original combined return exceeds the total tax required to be shown on the correct returns.

3) For purposes of applying the negligence penalty imposed by UPIA Section 3-5 [35 ILCS 735/3-5] or the fraud penalty imposed by UPIA Section 3-6 [35 ILCS 735/3-6] in any case in which a corporation erroneously joins or fails to join in the filing of a combined return, the penalty may be imposed on any deficiency resulting from such error, without taking into account any overpayment which may have resulted from the error.

Example. Corporations A, B and C meet all the requirements of a unitary business group, except that Corporations A and B are financial organizations which cannot be included in the same

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unitary business group as Corporation C, a manufacturer. On a separate-return basis, Corporation A has an Illinois net loss of \$500, Corporation B has Illinois net income of \$300 and Corporation C has Illinois net income of \$700. Corporations A and C file a combined return reporting combined Illinois net income of \$200, while Corporation B files a separate return reporting Illinois net income of \$300. On audit, the Department corrects the liabilities by combining Corporations A and B, which eliminates Corporation B's separate return income and entities them to a refund of the taxes paid by Corporation B, and by determining a separate return deficiency for Corporation C. If the combination of Corporations B and C on the original return was due to negligence or an intent to defraud, Corporation C will be subject to the applicable penalty on its entire deficiency without regard to the overpayment made by Corporation B.

4) For purposes of applying the penalty for failure to pay estimated taxes under IITA Section 804, see Section 100.5230 of this Part.

d) Interest. If interest is imposed under the IITA, at the rate determined under the UPIA, with respect to a combined return year, the amount shall be based on the combined tax liability or deficiency for the common taxable combined-return year. For purposes of computing any combined overpayment or underpayment on which interest is imposed:

1) in a case in which one or more corporations erroneously failed to join in the filing of the combined return, all payments, credits and other amounts collected from such corporations which are properly attributable to the common taxable year shall be treated as having been paid by the combined group for such common taxable year; and

2) in a case where one or more corporations are erroneously included in a combined return, the designated agent may allocate to each such corporation some or all of the payments, credits and other amounts collected from the combined group which are properly attributable to the common taxable year, and all overpayments and underpayments for such corporations and the combined group will be computed in accordance with such allocation. The amount of estimated tax payments allocated to each such corporation pursuant to this subsection (d)(2) must be consistent with the amounts allocated to such corporation under Section 100.5230(a) and Section 100.5230(g) of this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.5260 Combined Amended Returns

a) In general. The election or requirement to be treated as a single taxpayer applies to any amended return which includes the same taxpayers of the unitary business group which joined in the filing of

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~~election-to-file the original return. Amended returns shall be filed on behalf of those members, and only those members, that joined in the original combined return.~~

b) No election. If an election is not in effect for a taxable year ending prior to December 31, 1993, a combined amended return shall not be filed for that year.

c) ~~Revoked election:~~ If an election is in effect for a taxable year and it is subsequently revoked for that year because the group is not a unitary business, the designated agent may ~~shall~~ not file a combined amended return. Similarly, if a group files what it believes to be a required combined return, and it is later determined that the group is not engaged in a unitary business, the designated agent shall not file a combined amended return. Instead, in either instance, the designated agent and each corporation which joined in the filing of the combined return it shall file a separate amended return. In computing the tax due on any such amended return, the filer shall take into account all payments, credits and other amounts (including refunds) allocated to it by the designated agent pursuant to Section 100.5230(g) or Section 100.5250(d)(2) of this Part. ~~and--each other Illinois taxpayer shall file separate original returns.~~

d) Ineligible member. If a change in liability relates to the removal of a member that was not eligible to make the election, or of a taxpayer which could not be required to be a part of the group (e.g., a corporation which was not engaged in a unitary business with the combined group members, a ~~trust~~ partnership, or a Subchapter S Corporation, ~~or a corporation with a different taxable year~~), the designated agent shall file a combined amended return and the ineligible taxpayer member shall file a separate amended return.

e) If a corporation erroneously fails to join in the filing of a combined return, the designated agent shall file an amended combined return adding such corporation and, if a separate return was filed by such corporation, such corporation shall file an amended separate return showing no net income, overpayment or underpayment, and stating that such corporation has joined in the filing of a combined return.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.5265 Common Taxable Year

a) The common taxable year of a combined group shall be the taxable year of the designated agent. However, if a combined group has been using the taxable year of the member of the combined group that, as of the time the combined group becomes eligible to file a combined return, would be expected to have the greatest Illinois income tax liability on a recurring basis if it were not a member of a unitary business group, it may continue to do so for taxable years ending prior to January 1, 1999. The combined group must thereafter use the taxable

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year of the designated agent.

b) For taxable years ending on or after December 31, 1987, members of a combined group may have different taxable years. In the case of a member having a taxable year different from the common taxable year determined in subsection (a) above, the separate company taxable income of that member used in computing the combined net income of the combined group shall be determined using one of the following methods:

1) Method 1. The member may compute its pro-forma taxable income from its books and records for the common taxable year.

2) Method 2. The member may use pro-rated shares of its taxable income for its taxable years ending in and beginning in a common taxable year. This method may be used only if the combined return for a common taxable year may be timely filed (including automatic extensions) after the close of such member's taxable year which begins in the common taxable year for which the return is filed, and such combined return may not be filed until after the close of such member's taxable year. To illustrate:

Example 1: Corporation A is a calendar-year member of a combined group having a common taxable year ending July 31. If Corporation A uses the method described in this subsection (b)(2), its taxable income for the taxable year ending July 31, 1995 would be five-twelfths of its 1994 taxable income and seven-twelfths of its 1995 taxable income. Rather than using months to pro-rate its income, Corporation A may use the number of days in its taxable year or (in the case of a corporation using a 52/53 week taxable year) the number of weeks in the taxable year. The combined return for the common taxable year ending July 31, 1995, may not be filed until after December 31, 1995, the close of Corporation A's taxable year which begins during that common taxable year.

Example 2: Corporation B uses a taxable year ending October 31, and is a member of a combined group with a calendar common taxable year. Corporation B may not use the method described in this subsection (b)(2), because, in applying this method for calendar year 1995, Corporation B would have to include in its common taxable year income two-twelfths of its income for its taxable year ending October 31, 1996, and the group's 1995 return (including automatic extensions) would be due on October 15, 1996, before the close of Corporation B's taxable year.

Method 3. The separate company taxable income of such member for any taxable year ending in the common taxable year shall be included in combined net income of the combined group.

c) Consistency in use of method. Each taxpayer having a taxable year different from the common taxable year of its combined group may separately elect which of the methods listed in subsection (b) above it will use for the first combined return in which such taxpayer is a member the combined group. Once a member has used one of those methods for a combined return, that method shall be used for all

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subsequent combined returns of such group unless:

- 1) the change in method is disclosed in an attachment to the first combined return for which a different method is used;
- 2) the attachment shows, for each year, the member changing its method has been a member of the combined group, including the year in which the new method will be used;

- A) the net income of the combined group computed with such member using its former method;
 - B) the net income of the combined group computed with such member using the new method; and
 - C) the totals of such combined net incomes as computed using each method; and
- 3) any excess of the total amounts of combined net income computed using the new method over the total amounts computed using the old method must be added to (or any deficiency be subtracted from) the net income of the combined group for the year in which the new method is first used.

d) If the common taxable year of a combined group is changed, and the new common taxable year ends before the end of the former common taxable year during which the change occurs, all separate company items of each member of the combined group arising since the end of the last common taxable year before the change must be taken into account on the combined return filed for the first common taxable year after the change, and any separate company item reported on a combined return for a prior common year shall be excluded from the combined return filed for the first common taxable year after the change.

Example. Combined group ABC uses a common taxable year ending on December 31, the taxable year of all three corporations. Corporation D is the controlling corporation of ABC, but is not an eligible member because it has no taxable presence in Illinois. On January 1, 1998, Corporation D establishes a taxable presence in Illinois, and becomes the designated agent under Section 100.5220(d)(1)(B). The group is thereafter required to use Corporation D's taxable year, which ends on June 30. If Corporation A, B or C elects to use either Method 1 or Method 2, combined group ABCD's combined return for the common taxable year ending June 30, 1998 shall include the separate company items of that corporation only for the period from January 1, 1998 through June 30, 1998 as determined under the elected method. If one of the corporations elects to use Method 3, it must determine its separate company items for the period from January 1, 1998 through June 30, 1998 using either Method 1 or Method 2 and include such items in the combined return for combined group ABCD for the common taxable year ending June 30, 1998. The remainder of the corporation's income for its taxable year ending December 31, 1998 will then be included in the combined return for the common year ending June 30, 1999.

e) If the common taxable year of a combined group is changed, and the new common taxable year ends after the end of the former common taxable year during which the change occurs, the combined group must file a

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combined return for the period ending with the date the common taxable year is changed and a combined return for the period from the date of change to the end of the new common taxable year.

Example. Combined group AB uses a common taxable year ending on June 30, the taxable year of Corporation A, the corporation which has the greatest Illinois income, rather than the October 31 taxable year of Corporation B, its designated agent. Under subsection (a), the combined group is required to change to an October 31 common taxable year as of January 1, 1999. The group must file a combined return for the short taxable year from June 30, 1998 through December 31, 1998 and a combined return for the common taxable year ending through October 31, 1999 which includes only the separate company items of the members arising after January 1, 1999. Each corporation may separately elect to use either Method 1 or Method 2 to determine its separate company items for each short taxable year.

f) Members entering and leaving a combined group. Regardless of which method under subsection (b) is used by a member with a taxable year other than the common taxable year:

- 1) in the case of a corporation becoming a member of a combined group after the beginning of the corporation's taxable year:

A) if the corporation was not a member of another combined group immediately prior to the time it joins the combined group, the corporation shall file a separate return for the short taxable year ending on the day prior to the date it joins the combined group. The net income reported on that separate return shall be determined using the method elected by the corporation under subsection (b) for determining the portion of its separate taxable income to be included in the combined group's combined net income for the common taxable year in which the corporation becomes a member of the combined group. The separate return shall be due on the due date (including extensions) of the combined return of the combined group for the common taxable year in which the corporation becomes a member.

Example 1. Corporation A uses a calendar taxable year. On April 1, 1999, a member of unitary business group BCD acquires 51% of the stock of Corporation A, and Corporation A immediately becomes a member of the unitary business group. Group BCD has a common taxable year ending June 30, which remains the common taxable year of group ABCD. If Corporation A elects to use Method 1, it must report pro-forma taxable income for the period from January 1 through March 31, 1999 on a separate return; include pro-forma taxable income for the period from April 1 through June 30, 1999 in the combined return of group ABCD for the common taxable year ending June 30, 1999; and include pro-forma taxable income for the period from July 1 through December 31, 1999 and for the period from January 1 through

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June 30, 2000 in the combined return of group ABCD for the common taxable year ending June 30, 2000. The separate return for the period ending March 31, 1999 will be due on the due date of group ABCD's combined return for June 30, 1999. If Corporation A elects to use Method 2, it must report its income for 1999 in the same manner, except that it will pro-rate its 1999 income among the four different periods in proportion to the length of each period. If Corporation A elects to use Method 3, Corporation A must use either Method 1 or Method 2 to determine its taxable income for its separate return for the period ending March 31, 1999, and will include the remainder of its 1999 income in the combined return for group ABCD for the common taxable year ending June 30, 2000.

B)

if the corporation was a member of another combined group immediately prior to the time it joins the new combined group, the corporation shall include in the combined net income of the new combined group for the common taxable year in which it becomes a member all of its separate company taxable income for its taxable year which was not include in the combined net income of the old combined group for the common taxable year of the old combined group during which the corporation joins the new combined group. The corporation must use either Method 1 or Method 2 to determine the separate company items to include in each combined return which includes the date it leaves the old combined group and joins the new combined group. Thereafter, if its taxable year is not the common taxable year of the new combined group, it may elect any of the three methods.

Example 2. Assume the same facts in Example 1 above except that Corporation A is a member of combined group XYZ prior to the date its stock was acquired by a member of combined group BCD. Corporation A must use either Method 1 or Method 2 to determine the portion of its 1999 separate company taxable income for the period from January 1 through March 31, 1999, which will be included in the combined net income of group XYZ. If Corporation A was using either Method 1 or Method 2 while a member of group XYZ, it must use the same method for this purpose. Corporation A may then elect any of the three methods for use in computing the combined net income of group ABCD; provided, however, that Corporation A's separate company taxable income for the period from April 1 through December 31, 1999 shall be equal to its separate company taxable income for 1999 minus the amount of its separate company taxable income for January 1 through March 31, 1999 included in the combined net income of group XYZ.

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2) in the case of a corporation which ceases to be a member of a combined group, no separate company taxable income of such member which has been included in the combined net income of the combined group on any combined return shall be included in net income on any separate company return or any combined return of another combined group.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 100.5270 Computation of Combined Net Income and Tax

a) Determination of base income. The combined base income shall be determined by first computing the combined unitary-business group's combined net taxable income and then modifying this amount by the combined unitary-business group's combined Illinois addition and subtraction modification amounts.

1) Combined net taxable income. The designated agent will determine combined base taxable income by treating all members of the unitary business group (including other--then ineligible members) as if they constituted a federal consolidated group and by applying the federal regulations for determining consolidated taxable income, except that the separate return limitation year provisions and the limitations on consolidation of life and non-life companies in Treasury Reg. Section 1.1502-47 shall not apply. (See Treasury Reg. Section 1.1502-11, 26 CFR 1.1502-11.) A consolidated net operating loss deduction, as defined in Treasury Reg. Section 1.1502-21, 26 CFR 1.1502-21, shall be added back to taxable income, in whole or in part, in accordance with subsections (a)(2), (4) and (5) below. Pursuant to IRTA Section 203(e)(2)(E), combined base taxable income shall be determined as if the election provided by Section 243(b)(2) of the Internal Revenue Code had been in effect. The group's--combined-taxable-income--is--the--preceding--amount--plus--the--taxable-income--of--each--member--that--is--not--eligible--to--make--the--election--of--either--non--corporate--members--or--corporations--and--corporations--with--different--taxable-years--.

Example 1. Corporations A and B properly make an election under IRTA Section 502(e), or are properly required to file a combined return under IRTA Section 502(e) (f). On a separate return basis, A's federal taxable income would be a loss of (\$500). This amount does not include an excess capital loss of \$75 pursuant to Internal Revenue Code Section 1211(a). B's federal taxable income is \$1,000 of which \$100 is capital gain. As a result of applying Treasury Reg. Section 1.1502-11 and Section 1.1502-22 (26 CFR 1.1502-22), the combined federal taxable income for A and B is \$425.

2) Combined Illinois net operating loss. The combined group's

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current year combined net **taxable** income may be less than zero, in which case it shall be determined by applying the provisions of **Treasury Reg. 1.1502-21(f)** (consolidated net operating loss) to the unitary business group.

Example 2. Same facts as Example 1. In subsection (a)(1) above except that Corporation C has also properly joined in the election, or is properly required to join in the combined return filing, and its federal taxable income is a loss of (\$800). If there are no addition or subtraction modifications and all of the group's base income is apportioned to Illinois, the group's combined Illinois net operating loss for the taxable year will be (\$375).

3) Carrybacks and carryovers. Carrybacks and carryovers, if any, shall be determined for each member and not for the group. A pro rata share of the loss is attributable to each of the loss members. For Illinois net losses that occurred in taxable years ending on or after December 31, 1986, the amount of any carryback or carryover shall be determined by applying Sections 100.2340, 100.2350(c)(3) and (c)(4) of this Part. For federal net operating losses that occurred in taxable years ending prior to December 31, 1986, the amount of any carryback or carryforward shall be determined by applying Section 100.2230 (b)-(5) of this Part.

Example 3. Same facts as **Example 2** except in subsection (a)(2) above. Assuming the taxable year ends prior to December 31, 1986, the group's combined net operating loss of (\$375) will be divided between A and C as follows for purposes of carryback and carryover:

Corp. A: $500/1,300 \times (375) = 144$

Corp. C: $800/1,300 \times (375) = 231$

NOL addition modification of federal net operating loss deductions from a loss incurred in a taxable year ending on or after December 31, 1986. ITRA Section 203(b)(2)(E) requires that the amount of any federal net operating loss deduction taken in arriving at taxable income for federal tax purposes, other than from a loss in a taxable year ending prior to December 31, 1986, shall be added back to taxable income in the computation of base income. See Section 100.2320(a) of this Part.

5) NOL addition modification of pre December 31, 1986, federal losses. IITA Section 203(b)(2)(E) ~~203(b)(2)(F)~~ requires an addition modification subject to two limitations for taxable years in which a federal net operating loss carryforward from a taxable year ending prior to December 31, 1986, is an element of taxable income. Consequently, each member allowed to carryback or forward a portion of the group's combined net operating loss from a year in which that combined loss was used to offset a portion of the group's combined excess addition modifications must take as an addition modification in the carryback or

carryover year its respective share of the NOL addition modification required by IITA Section 203(b)(2)(E) 203(b)(2)(F). In accordance with Section 100.2240-100-2800 of this Part, the respective shares shall be determined in the same manner as the determination of the amount of NOL carryback or carryover.

Example 4. Same facts as Example 2 except that the group had combined excess addition modifications of \$100. This amount will be divided among the loss members as follows:

Corp. A: $500/1,300 \times 100 = 38$

Corp. C: $800/1,300 \times 100 = 62$

b) Combined base income allocable to Illinois. Combined base income allocable to Illinois is the sum of the combined business income or loss apportioned to Illinois plus the combined nonbusiness income or loss allocated to Illinois plus the combined non-unitary partnership income or loss allocated to Illinois, less the combined net loss deduction.

Combined business income apportionable to Illinois. In the case of a combined group required to apportion its business income using the three-factor (payroll, property and sales) formula under Section 304(a) of the IITA, the designated agent will apportion determine the unitary business group's combined business income by using the total Illinois payroll, property and sales of each member of the combined group and the total everywhere payroll, property and sales of each member of the unitary business group (including ineligible members) apportionable to Illinois by multiplying the group's combined business income by the average of the group's combined property, payroll and sales factors. These factors will be determined by dividing the group's Illinois property, payroll and sales by the total property, payroll and sales of the group everywhere. In the case of groups composed exclusively of one-factor apportionment taxpayers (financial, insurance, or transportation), the unitary business group's combined business income will be apportioned by using multiplying the group's combined business income by the combined group's total Illinois combined financial, insurance, or transportation factors and total everywhere factors of the unitary business group.

A) Example 1:

i) Corporations A, B, and C constitute a unitary business group. Corporations A and B ~~all--three--corporations~~ are eligible to make the election under IITA Section 502(e) for tax years ending before December 31, 1993. However, under Public Law ~~(f)-Under-P5~~ 86-272, ~~corporations--A--and--B--are--taxable--in--Illinois~~ but Corporation C is not taxable in Illinois.

iii) Based on these facts, if the election to be treated as one taxpayer is made, the combined Illinois sales

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factor must be determined by dividing the combined group's total combined Illinois sales (that is, excluding any sales of Corporation C shipped to purchasers in Illinois) by the total combined sales of the unitary business group everywhere. If the same facts are applied to a tax year ending on or after December 31, 1993, the same result will occur in the mandatory combined return situation.

B) Example 2:

i) Same facts as in Example 1 ~~example-1~~, except these additional facts also exist. Under Public Law 96-272, Corporations B and C are taxable in South Carolina, but corporation A is not.

ii) Based on these facts, if the election to be treated as one taxpayer is made, or the taxpayers are required to be treated as one taxpayer, the combined Illinois sales factor must be determined by dividing the combined group's total combined Illinois sales (including any sales of Corporation A shipped to purchasers in South Carolina from any place of storage in Illinois, i.e., throwback sales) by the total combined sales of the unitary business group everywhere.

2) Combined nonbusiness and non-unitary partnership income allocable to Illinois. The designated agent shall compute the amount of combined nonbusiness income or loss allocable to Illinois by first determining the amount for each ~~electing~~ member of the combined group and then combining these amounts. Similarly, the designated agent shall compute the amount of combined non-unitary partnership income or loss allocable to Illinois by first determining the amount for each ~~electing~~ member and then combining these amounts.

3) Combined Illinois net loss deduction. The designated agent shall compute the combined Illinois net loss deduction for losses originating in tax years ending on or after ~~before~~ December 31, 1986, by determining the amount of deduction available for each ~~electing~~ member of the combined group in accordance with Sections 100.2330, 100.2340 and 100.2350 of this Part and then by combining these amounts.

c) Combined exemption. Under the election or requirement to be treated as one taxpayer, there is one exemption per combined return. The designated agent shall compute the combined exemption by multiplying \$1,000 by a fraction, the numerator of which is combined base income allocable to Illinois and the denominator of which is the group's combined base income. The exemption amount for members of unitary groups not making the election, or subject to the requirement, and for members of unitary groups ineligible to make the election, or not subject to the requirement, is computed by multiplying \$1,000 by a

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fraction, the numerator of which is that member's base income allocable to Illinois, and the denominator of which is the group's combined base income.

d)

1) Applicability of credits. The designated agent will compute any credit allowed by the IITA based on the combined activities of the members of the combined group ~~electing-eligible-members~~ and such credit will be applied against the combined liability of the combined group ~~electing-eligible-members~~.

2) Credits based on members' ~~electing-eligible-members~~ activities. The investment credits provided in IITA Sections 201(e), (f) and (h) ~~201(f)-(h)-and-(j)~~ and 206(b) are available when certain property is purchased and placed in service by a taxpayer. The combined group ~~electing-eligible-members~~ shall be entitled to a combined credit, assuming the other statutory or regulatory requirements applicable to the given credit are satisfied, even if one of the electing members purchases the qualified property and another member ~~joining-in-the-election~~ uses the property in a qualified manner.

43) The additional credit provided in IITA Section 201(e)(4) and the credit provided in Section ~~subsection~~ 201(g) ~~(4)~~ are based on specified increases in employment in Illinois. For purposes of determining entitlement to these credits during a combined-return year, the increase in employment shall be determined with respect to the employment of all ~~electing-eligible~~ members of the combined group in Illinois and not an individual member's employment. For purposes of determining the increase in employment in Illinois for a common taxable year, the Illinois employment of all taxpayers who are members of the combined group during that common taxable year shall be used; that is, both prior and current year Illinois employment of current members who were not members of the combined group in the prior year shall be included in the determination, while prior and current year Illinois employment of taxpayers who ceased to be members of the combined group during the current or prior year shall be excluded. The application of this subsection (d)(4) is illustrated by the following examples:

Example 1. Corporations A, B and C were members of a unitary business group which elected to file a combined return for 1989. Corporation D was not a member of the ABC combined group in 1989, but becomes a member of combined group ABCD filing a combined return for 1990.

During 1989, Corporations A, B and C employed a total of 150 persons in Illinois and Corporation D employed 50 people in Illinois, for a total of 200. During 1990, Corporations A, B and C employed 100 persons in Illinois and Corporation D employed 100 persons in Illinois, again for a total of 200.

IITA Section 201(e), which provides for a Replacement Tax

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Investment Credit for qualified property placed in service by the taxpayer during the year, allows an additional 0.5% credit for such property to a taxpayer whose Illinois employment has increased by at least 1% over its Illinois employment in the immediately preceding year. Combined group ABCD cannot qualify for the additional 0.5% credit during 1990 because the combined Illinois employment of Corporations A, B, C and D remained unchanged between 1989 and 1990. Because eligibility is determined at the combined group level, no additional credit can be allowed for qualified property placed in service by Corporation D in 1990, even though Corporation D's Illinois employment doubled between 1989 and 1990.

Example 2. Corporations P, Q, R and S filed a combined Illinois return for calendar year 1990. On January 1, 1991, Corporation S was sold to an unrelated purchaser. Corporations P, Q and R filed a combined Illinois return for calendar year 1991.

Combined group PQRS employed 400 people in Illinois during 1990, 100 of whom were actually employees of Corporation P and 100 of whom were actually employees of Corporation S. Combined group PQR employed 350 people in Illinois during 1991, 50 of whom were actually employees of Corporation P.

Combined group PQR can qualify for the additional 0.5% Replacement Tax Investment Credit allowed under IITA Section 201(e) for qualified property placed in service during 1990 because the Illinois employment of the three members of the combined group increased from 300 in 1989 to 400 in 1990. Because the eligibility is determined at the combined group level, property placed in service by Corporation P during 1990 may qualify for the additional 0.5% credit even though Corporation P's Illinois employment actually decreased.

Example 3. IITA Section 201(g) allows a Jobs Tax Credit equal to \$500 per eligible employee hired to work in an enterprise zone during a taxable year. The taxpayer must hire 5 or more eligible employees during the taxable year in order to qualify for the credit. The credit is taken in the taxable year following the year the employee is hired. Corporations W, X, Y and Z filed a combined Illinois return for calendar year 1990. Corporation Z was sold to an unrelated purchaser on December 31, 1990. Corporations W, X and Y filed a combined return for 1991.

During 1990, WXYZ hired 5 eligible employees to work in an enterprise zone, 3 of whom were actually hired by Corporation Z. Combined group WXY may claim a Jobs Tax Credit of \$2,500 for 1991 because it hired 5 eligible employees during 1990. The fact that Corporation Z, which hired 3 of the employees, left the combined group at the beginning of 1991 does not alter the fact that the combined group earned the Jobs Tax Credit nor entitle Corporation Z to any portion of the credit for its separate company return for 1991.

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5) The research and development credit provided in IITA Section 203(j) is based on increasing research activities in this State (see Section 100-2.160 of this Part). For purposes of determining entitlement to the credit during a combined-return year, the increase in research activities shall be determined with respect to research activities conducted by all members of the combined group in Illinois and not an individual member's research activities. The following series of examples illustrate the application of the research and development credit in combined return situations involving Corporations A, B and C that incurred the following expenses for qualified research activities in Illinois:

	1990	1991	1992	1993
Corp. A	50,000	50,000	50,000	0
Corp. B	25,000	25,000	100,000	200,000
Corp. C	75,000	125,000	100,000	100,000
	150,000	200,000	250,000	300,000

A) Example 1. A, B, and C filed combined returns for the years ending December 31, 1990, December 31, 1991, December 31, 1992 and December 31, 1993. The proper amount of the Research and Development Credit for the year ending December 31, 1993 is determined based upon the combined activities on the combined return and is calculated as follows:

Total qualified expenditures for 1993	300,000
Average qualified expenditures for 1990-92	200,000
Excess of 1993 expenditures over base period	100,000
Research and development credit for 1993	6,500

B) Example 2. A and B filed a combined return for the year ending December 31, 1990. C filed a separate return for the year ending December 31, 1990. A purchased the common stock of C on January 1, 1991. A, B and C filed combined returns for the years ending December 31, 1991, December 31, 1992 and December 31, 1993. The \$75,000 of expenses for qualified research activities in Illinois incurred by C for the year ending December 31, 1990 should be included in the calculation of the average qualified expenditures for the base period. The credit for the combined return would be calculated as follows:

Total qualified expenditures for 1993	300,000
Average qualified expenditures for 1990-92	200,000
Excess of 1993 expenditures over base period	100,000
Research & Development Credit for 1993	6,500

C) Example 3. A, B and C filed combined returns for the years ending December 31, 1990, December 31, 1991 and December 31, 1992. On January 1, 1993, A sold the common stock of C to P.

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(an unrelated corporation). For the year ending December 31, 1993, C was included in the combined return filed by P. In determining the proper amount of the Research and Development Credit for the combined return filed by A and B for the year ending December 31, 1993, the expenses for qualified research activities in Illinois incurred by C of \$75,000, \$125,000 and \$100,000 for the years ending December 31, 1990, December 31, 1991 and December 31, 1992, respectively, may not be included in the calculation of the average qualified expenditures for the base period for A and B for the year ending December 31, 1993. The credit for the combined return for A and B for the year ending December 31, 1993 would be calculated as follows:

Total qualified expenditures for 1993	200,000
Average qualified expenditures for 1990-92	100,000
Excess of 1993 expenditures over base period	100,000
Research & Development Credit for 1993	6,500

6*) Credit carryforward. Any combined credit carryforward shall be available to the combined group for the next combined-return year. For purposes of the credits allowed with respect to certain qualifying property under IITA Sections 201(e), (f), and

(h) and 206(b), where a member becomes ineligible to join in the election, or is no longer required to be part of the combined return, the credit carryforward shall be available to the remaining electing members if such members continue to both own and use the property for which the credit was claimed in a qualifying manner for 48 months after the placed-in-service date. The credit carryforward shall be available to the former taxpayer member that has become ineligible if that former taxpayer member both owns and uses the property for which the credit was claimed in a qualifying manner for the remainder of the 48-month period after the placed-in-service date. If a credit carryforward is available to the former member taxpayer that has become ineligible, the amount of the carryforward is equal to the combined unused credit multiplied by a fraction, the numerator of which is the credit attributable to the qualified property of such former member such-ineligible-taxpayer for the combined unused credit year, and the denominator of which is the qualified property of the combined group combined-credit--earned for such unused credit year.

Example ¶ 17. In 1985, Corporation A purchased \$300,000 of eligible property, \$200,000 of which was used by A and \$100,000 of which was transferred to and used by Corporation B. A and B filed a combined return for that year which showed an income tax liability of \$1,000 and an investment credit of \$1,500. The group's unused credit was \$500. In 1987, B left the group, and during that year it owned and continued to use the \$100,000 of eligible property. Its credit carryforward would be computed

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as follows:

\$500 x \$100,000/\$300,000 500/3 = \$166.67

75) Recapture. For purposes of credits which are recaptured when property ceases to be qualified property or is moved out of Illinois or when property is moved outside of an enterprise zone within 48 months of the placed-in-service date, the electing members of the combined group are responsible for the recapture of any personal property replacement tax or income tax.

Example ¶ 27. Same facts as in the Example 1 example--fit in subsection (d)(6)¶44 above except in 1987 Corporation A transferred its eligible property (originally purchased for \$200,000 \$200, in 1985) to Corporation B. Corporation B was acquired by Corporation C in 1987 and, immediately afterward, B sold all the eligible property (originally purchased for a total of \$300,000) to an unrelated third party. B and C file a combined return for that year and they must increase their tax liability by \$1,000 due to the credit that was allowed on the combined return filed by A and B in 1985.

e) Ineligible members. If an election is in effect and the unitary business group contains an ineligible member (i.e., a partnership an S Corporation or, for years ending prior to December 31, 1987, a corporation with a different taxable year), the ineligible member shall file a separate unitary return using the combined-apportionment method. The taxable income of the members that joined in the election shall be their combined taxable income as determined under subsection Section-100-5270(a)(1) of this Section Part. If a corporation is ineligible because it has a different taxable year, it shall use either method of accounting available to part-year members and set forth in Subsection Section-100-5270(f)(2) of this Section Part. If two or more corporations are ineligible because they have an accounting period that is different from other members making the election, they may elect to file their own combined return if they have the same taxable year. The foregoing rule also applies in the case of erroneous inclusion of a member in a group otherwise required to file a combined return.

f) Part-year members

1) General rule. If a an-eligible corporation becomes a member of a unitary business group after the beginning of the combined return year or ceases to be a member of the unitary business group during the combined return year, two tax returns will be affected for that taxable year. The combined return shall include the separate company items of amounts--attributable---to such corporation for the part of the year it was a member of the unitary business group. Separate company items of a part-year member for any portion of its taxable year prior to the date it joins or after the date it leaves the unitary business group shall either be reported in a short-year separate return filed by such part-year member (if it is subject to Illinois income tax

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during that period) or included in any combined return filed on behalf of a unitary business group to which such part-year member belongs during that portion of the year. ~~A separate return shall be filed and include for if a member of a different group, such group's combined return shall include amounts attributable to such corporation for the remainder of the year.~~

- 2) Accounting. The part-year member shall use either Method 1 or Method 2 (described in Section 100.5265(b) of this Part) to determine its separate company items for the portion of the year before it becomes a member and the portion of the year after it becomes a member of the combined group. ~~Either a proration or specific accounting method may be used to attribute amounts of taxable income or loss, modifications, business income or loss, apportionment factors, nonbusiness or partnership income or loss, and credits to the different portions of the taxable year. A proration shall be done on the basis of the number of months falling within the respective periods. The specific accounting method shall be an assignment of amounts applied as though the respective periods were separate and distinct for specific accounting purposes. Whichever method is used by the part-year member, the group shall use the same method for each portion of the combined return year. (See Section 100.3320(f) of this Part.)~~

- 3) ~~Ineligible members. If a part-year member is a taxpayer that is ineligible to make an election, it shall file separate tax returns for the respective periods using either of the accounting methods described in subsection (2) above.~~

- 4) ~~Members not subject to tax. If a part-year member has no taxable presence in Illinois for the part-year, the amounts attributable to such member in the combined return shall be determined by using either of the accounting methods described in subsection (2) above.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 100.5280 Combined Return Issues Related to Audits Definitions--and Miscellaneous--Provisions-Relating-to-Combined Returns

- a) If, on audit, the Department determines that two or more corporations are members of a unitary business group for which no combined return was filed:

- 1) For taxable years ending on or after December 31, 1985 and before December 31, 1993, any audit liabilities determined by the Department will be proposed and processed on a separate unitary return basis. If Notices of Deficiency are issued, they will be issued to each Illinois taxpayer and will reflect that taxpayer's Illinois income tax liability computed on a separate return

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basis.

- 2) For taxable years ending on or after December 31, 1993, any audit liabilities determined by the Department will be processed on a combined return basis. Because each member of a combined group is jointly and severally liable for the tax liability of the entire group, if any Notices of Deficiency are issued:

- A) the Notices of Deficiency shall reflect the combined return income and liability of the entire combined group; and
B) a separate Notice of Deficiency will be issued to each Illinois taxpayer, unless a designated agent has been appointed under Section 100.5220(g) of this Part, in which case the Department may issue a Notice of Deficiency solely to the designated agent and to any corporation which has requested the Department to be allowed to represent itself pursuant to Section 100.5220(f)(2) of this Part.

- b) If two or more corporations have filed a combined return and, on audit, the Department determines that one or more additional corporations belonged to the combined group and should have joined in the filing of the combined return, any audit liabilities shall be proposed and processed as follows:

- 1) If, prior to the issuance of a Notice of Deficiency, any of the corporations which did not join in the combined return and the designated agent of the combined group agree that such corporation is a member of the combined group or the designated agent pays all audit deficiencies, the audit liabilities related to that corporation and the combined group will be proposed and processed on a combined return basis. In this instance, the designated agent will be treated as having corrected the combined return in accordance with Section 100.5210(b) of this Part.

- 2) If the designated agent of the combined group, or any corporation which did not join in the combined return, does not agree that such corporation is a member of the combined group prior to the issuance of a Notice of Deficiency, the audit liabilities for that corporation will nevertheless be proposed and processed on a combined return basis. Because each member of a combined group is jointly and severally liable for the tax liability of the entire group, if any Notices of Deficiency are issued:

- A) the Notices of Deficiency shall reflect the combined return income and liability of the entire combined group; and
B) a separate Notice of Deficiency will be issued to the designated agent and to each corporation which did not join in the filing of the combined return, but which the Department is asserting is a member of the combined group. Each Notice of Deficiency shall state that the designated agent shall represent each corporation whose membership in the combined group is in dispute unless such corporation requests the Department to be allowed to represent itself pursuant to Section 100.5220(f)(2) of this Part.

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- a) In general, these definitions and provisions apply to Regulation Sections 100-500 through 100-520.
- b) Combined return. The term "combined return" means a single tax return filed on behalf of corporate taxpayers that are members of the same unitary business group and that made the election provided in 119A Section 502(f).
- c) Combined return year. The term "combined return year" means a taxable year for which a combined return is filed or is required to be filed.
- d) Election. The term "election" refers to the election provided in Section 119A-502(f) to be treated as one taxpayer.
- e) Eligible Illinois taxpayer member. The term "eligible Illinois taxpayer member" means a member of a unitary business group that is eligible to make the election and that has taxable presence in Illinois.
- f) Combined group. The members of a unitary business group making the election to be treated as one taxpayer pursuant to 119A Section 502(f).
- g) Unitary business group. The term "unitary business group" shall have the same meaning as provided in 119A Section 1501(a)(28).
- h) Notices to the Department. Any notice to the Department required by these regulations shall be in writing and shall be mailed or delivered to the address stated in the instructions to the Schedule UB for the taxable year.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Firearm Owner's Identification Card Act
- 2) Code Citation: 20 Ill. Adm. Code 1230
- 3) Section Numbers: Proposed Action:
 1230.10 Amendment
 1230.20 Amendment
 1230.30 Amendment
 1230.50 Amendment
 1230.70 Amendment
 1230.110 New Section
- 4) Statutory Authority: Implementing and authorized by the Firearm Owner's Identification Card Act [430 ILCS 65] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed amendments clarify grounds for denial of FOID card applications, and allow denial because other statutory prohibitions against possession, and allow retention of application fees for denied applications. Other clarifications and minor adjustments to the rules are also included.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the date of publication of this Notice, any interested person may submit comments, data, views, or argument regarding the proposed amendments. The submissions must be in writing and directed to:

Mr. James W. Redlich
 Chief Legal Counsel
 Illinois State Police
 124 East Adams Street, Room 102
 P.O. Box 19461
 Springfield, Illinois 62794-9461

DEPARTMENT OF STATE POLICE
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217/782-7658

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not for profit corporations affected: None

B) Reporting, bookkeeping, or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF STATE POLICE
NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1230

FIREARM OWNER'S IDENTIFICATION CARD ACT

Section	Definitions
1230.10	Application Procedures
1230.20	Duration and Renewal of Identification Card
1230.30	Sponsorship of a Minor
1230.40	Denial of Application or Revocation and Seizure of Identification Card
1230.50	Notification of Grounds for Denial of Application and Revocation and Seizure of Identification Card
1230.60	Appeal
1230.70	Judicial Review
1230.80	Certification
1230.90	Reduction of Remittance
1230.100	Retention of Remittance
1230.110	Application for Firearm Owner's Identification Card (Form FOID-1.2) (Repealed)
EXHIBIT A	Certification (Repealed)
EXHIBIT B	

AUTHORITY: Implementing and authorized by the Firearm Owner's Identification Card Act [430 ILCS 65] and authorized by Section 55a of the Civil Administrative Code of Illinois [120 ILCS 2605/55a].

SOURCE: Filed March 8, 1973; codified at 7 Ill. Reg. 9557; amended at 8 Ill. Reg. 21306, effective October 10, 1984; recodified from the Department of Law Enforcement to the Department of State Police at 10 Ill. Reg. 3279; amended at 17 Ill. Reg. 18856, effective October 18, 1993; amended at 22 Ill. Reg. _____, effective _____.

Section 1230.10 Definitions

As used in this Part, the following definitions apply unless the context clearly requires a different meaning:

"Act" means Firearm Owner's Identification Card Act (Ill. Rev. Stat. 1991-CH-387-pars-1-through-16-3) [430 ILCS 65].

"Applicant" means an applicant for a Firearm Owner's Identification Card.

"Department" means the Department of State Police.

"Director" means the Director of State Police.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

"Firearm" and "firearm ammunition" mean the terms as defined in Section 03-1-1-f Section 1.1 of the Act.

"Firearm Owner's Identification Card" means the term as defined in Section 03-6-f Section 6 of the Act.

"Law enforcement official" means any peace officer, warden, superintendent, or keeper of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a criminal offense, and employees of police laboratories having a department or section of forensic firearm identification.

"Mental institution" means any medical facility or part of any medical facility used primarily for the care or treatment of persons for mental illness.

"Mentally retarded" means a person who has significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.

"Narcotics" means any substance controlled by the Controller's Substances Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1230.20 Application Procedures

Application for a Firearm Owner's Identification Card will be made by completing an application form provided by the Department. These forms will be made available through the Firearm Owner's Identification Section, P.O. Box 3677, Springfield, Illinois 62708-3677. All in-order-to-be-processed, all forms must be properly completed, and be accompanied by the correct fee and a photograph, and mailed to the address indicated on the application form.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1230.30 Duration and Renewal of Identification Card

A Firearm Owner's Identification Card shall expire on the first day of the first month after the applicant's birthday five years from the date of after issuance. The first day of the month in which the related Firearm Owner's Identification Card Application was received is designated as the date of issuance for purposes of this Part. The Department shall, at least 30 days prior to the expiration of a Firearm Owner's Identification Card, forward to the last known address of each person whose Firearm Owner's Identification Card

DEPARTMENT OF STATE POLICE

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is to expire a notification of the expiration and an application which may be used to apply for renewal. It is the registrant's responsibility to notify the Department in writing of the registrant's change of address.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1230.50 Denial of Application or Revocation and Seizure of Identification Card

The Department will deny an application for or revoke and seize a Firearm Owner's Identification Card if the Department finds that the applicant or the person to whom such a Firearm Owner's Identification Card was issued is or was at the time of issuance prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois state statute or by federal law or does not otherwise qualify under Illinois statute to possess a Firearm Owner's Identification Card.

- a) A person under 21 years of age and has been convicted of a misdemeanor other than a traffic offense or has been adjudged delinquent?
- b) A person under 21 years of age and does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition or whose parent or legal guardian has revoked such written consent or where such parent or legal guardian does not qualify to have a Firearm Owner's Identification Card?
- c) A person convicted of a felony under the law of this or any other jurisdiction?
- d) A person addicted to narcotics?
- e) A person who has been a patient of a mental institution within the past 5 years for any reason?
- f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community for purposes of this Section? Mental condition means a state of mind manifested by violent, suicidal threatening or assaultive behavior?
- g) A person who is mentally retarded or
- h) A person who intentionally makes a false statement on the Firearm Owner's Identification Card application?

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1230.70 Appeal

- a) An individual whose application for a Firearm Owner's Identification Card is denied or whose Firearm Owner's Identification Card is revoked may petition for relief from such action by providing written notice of this intention to the Department.
- b) Upon receiving a petition for relief, the Department shall investigate

DEPARTMENT OF STATE POLICE

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the circumstances surrounding the denial or revocation action; and if the Director is satisfied that substantial justice has not been done, the Director may grant relief. In the event the Director desires additional information concerning the circumstances surrounding the denial or revocation action, the Director ~~or~~ may schedule a fact finding conference with the petitioner.

- c) At a fact finding conference, the petitioner may be represented by counsel or any other person and may present any evidence or information relating to the Department's action.
- d) The Director may provide relief as a result of the fact finding conference.
- e) If the Director does not provide relief as a result of the investigation or a fact finding conference, the petitioner may petition for a hearing.
- f) The administrative law judge for contested hearings shall be the Director or an attorney licensed to practice law in Illinois appointed by the Director. The administrative law judge may be disqualified for bias or conflict of interest.
- g) The procedures for the hearing shall be as described in Article 10 of the Administrative Procedure Act (~~411--Rev--Stat--1991--ch--127--par--1010-5--through--1010-70~~) [5 ILCS 100/Art. 10] and as ordered by the administrative law judge.
- h) In the event relief is denied, a new application from the petitioner will not be accepted until two years have passed since the date of the last denial.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1230.110 Retention of Remittance

Application fees relating to denied applications will not be refunded.

(Source: Added at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Marking, Inventory, Transfer and Disposal of State-Owned Personal Property
- 2) Code Citation: 44 Ill. Adm. Code 5010
- 3) Section Numbers: Adopted Action:
5010.1410 Repeal
- 4) Statutory Authority: Implementing and authorized by the State Property Control Act [30 ILCS 605].
- 5) Effective Date of Amendments: April 6, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 6, 1998
- 9) Date Notice of Proposal Published in Illinois Register: November 21, 1997, 21 Ill. Reg. 14699
- 10) Has JCAR issued a Statement of Objections to the Amendments? No
- 11) Differences between proposal and final version: Minor editing changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will these amendments replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Section is being repealed as part of a reevaluation of how property for specific grant programs is handled after the university employee for whom the equipment is acquired is no longer employed in the State university system.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
217/782-9669

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TDD 217/785-3979

The full text of the Adopted Amendments begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5010

MARKING, INVENTORY, TRANSFER AND DISPOSAL OF
STATE-OWNED PERSONAL PROPERTY

SUBPART A: GENERAL

Section
5010.100
Authority
5010.110
Policy
5010.120
Applicability

SUBPART B: MARKING AND INVENTORY OF STATE PROPERTY

Section
5010.200
Definition of Equipment
5010.210
Marking of State-Owned Equipment
5010.220
Inventory of Equipment
5010.230
Required Entries on Inventory Records
5010.240
Definition of Required Entries
5010.250
Demolition
5010.260
Cannibalization

SUBPART C: PROPERTY REPORTING SYSTEM

Section
5010.300
Property Change Report (Repealed)
5010.310
Transaction Codes
5010.320
Vehicle Reporting

SUBPART D: INVENTORY REQUIREMENTS

Section
5010.400
Equipment Inventory Reporting
5010.410
Types of Inventory
5010.420
Report of Equipment Acquired through Central Management Services
(Repealed)
5010.430
Report of Equipment not Acquired through Central Management
Services Real Property Acquisitions (Repealed)
5010.435
Report of Equipment Purchased on the Installment Plan
5010.440
Fund Codes Used on Agency Report of Acquired New Properties and
Additions Form
5010.450
Monthly Inventory (Repealed)
5010.460
Annual Inventory

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5010.470 Reporting "On Location" Equipment for Annual Inventory Report
 5010.480 Reporting U.S. Property on Annual Inventory
 5010.485 Inventories of Facilities Scheduled for Closure
 5010.490 Discrepancies
 5010.500 Evidence of Theft Found During Annual Inventory
 5010.510 Property Control Information Processed on Magnetic Tape
 5010.520 Access to Automated Property Control Systems

SUBPART E: TRANSFERABLE EQUIPMENT

Section
 5010.600 Definition of Transferable Equipment
 5010.610 Disposal of Transferable Equipment
 5010.620 Report of Transferable Equipment
 5010.630 Moving and Storage of Transferable Equipment
 5010.640 Agency Requests for Transferable Equipment
 5010.650 Holding Time for Transferable Equipment
 5010.660 Sale of Transferable Equipment
 5010.670 Sale of Transferable Equipment to Municipalities or Units of Local Government, Illinois School Districts, and Not-for-Profit Educational, Charitable and Public Health Organizations
 Trade-Ins
 5010.680 Trade-In Procedure
 5010.690 Exceptions to Trade-In Procedure
 5010.700 Determination of Appraised Value
 5010.710 Notice of Sales of Transferable Equipment
 5010.720 Terms of Sale to Municipalities and Units of Local Government in Illinois, Illinois School Districts, and Not-for-Profit Educational, Charitable and Public Health Organizations
 Public Sale of Transferable Equipment
 5010.740 Method of Sale
 5010.750 Frequency of Sales
 5010.760 Notice of Public Sales
 5010.770 Terms of Public Sale
 5010.780 Alternative Methods of Sale
 5010.790 Proceeds of Sales of Transferable Equipment
 5010.800

SUBPART F: SCRAP SALES AND PROCEDURES

Section
 5010.900 Scrapping of State-Owned Equipment
 5010.910 Criteria for Scrapping
 5010.920 Permission to Scrap
 5010.930 Scrapping Under Special Circumstances
 5010.940 Method of Disposal
 5010.950 Sale of Scrap
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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SUBPART G: DISPOSITION OF VEHICLES

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 5010.1100 Disposal of State-Owned Vehicles
 5010.1110 Vehicles to be Turned Over to the Property Control Division
 5010.1120 Turning in Operable Vehicles
 5010.1130 Transfer of Operable Vehicles to State Agencies
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 5010.1170 Funds Derived from Vehicle Sales

SUBPART H: DISPOSITION OF ELECTRONIC DATA PROCESSING EQUIPMENT

Section
 5010.1200 Disposal of Electronic Data Processing Equipment
 5010.1210 Agencies Authorized to Dispose of Surplus EDP Equipment Sale
 5010.1220 Transfer of Surplus EDP Equipment
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 5010.1240 Terms of Contract
 5010.1250 Payment
 5010.1260 Proceeds from Sale of Surplus EDP Equipment

SUBPART I: ANTIQUE, HISTORICAL AND SPECIAL INTEREST PROPERTY

Section
 5010.1300 Property Value

SUBPART J: EXEMPTIONS

Section
 5010.1400 Request for Exemption
 5010.1410 Transfer of Property Purchased with Non-Appropriated Funds for Research at State Universities (Repealed)

SUBPART K: DISPOSITION OF LABORATORY EQUIPMENT

5010.1500 Listing of Laboratory Equipment
 5010.1510 Proceeds from Sales of Laboratory Equipment

SUBPART L: DISPOSITION OF HAZARDOUS MATERIAL

5010.1600 Disposal of Hazardous Material

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by Sections 67.15 and 67.22 of the Civil Administrative Code of Illinois [20 ILCS 405/67.15 and 67.22] and Sections 1 through 7, 8, and 9 of the State Property Control Act [30 ILCS 605/1-7, 8, and 9].

SOURCE: Adopted at 7 Ill. Reg. 9170, effective June 22, 1983; codified at 8 Ill. Reg. 17254; emergency amendment at 11 Ill. Reg. 2909, effective January 29, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 10671, effective June 14, 1988; emergency amendment at 14 Ill. Reg. 8714, effective May 15, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15775, effective September 17, 1990; amended at 16 Ill. Reg. 17595, effective November 9, 1992; amended at 22 Ill. Reg. 6931, effective APR 06 1998.

SUBPART J: EXEMPTIONS

Section 5010.1410 Transfer of Property Purchased with Non-appropriated Funds for Research at State Universities (Repealed)

- a) Property purchased--with--non-appropriated--funds--obtained--from--the sponsor--of--the--researcher--shall--be--exempt--from--State--Property--Control procedures--when--transferred--from--a--State--university--to--another university--if--all--the--following--conditions--are--met:
- 1) The property--is--equipment--which--was--used--at--a--State--university for--sponsored--research.
 - 2) The equipment--was--purchased--with--non-appropriated--funds--obtained from--the--sponsor--of--the--research.
 - 3) The--funds--were--paid--by--the--sponsor--for--the--purpose--of facilitating--research--by--an--identified--principal--investigator--or faculty--member--employed--by--the--State--university.
 - 4) The employment--of--the--principal--investigator--or--faculty--member--at the--State--university--has--been--terminated--and--that--individual's research--is--to--continue--at--another--not--for--profit--university.
 - 5) The responsible officer--of--the--State--university--for--the--designee of--the--responsible officer--has--determined--that:
 - (A) the equipment--is--needed--in--the--continuation--of--the individual's--research--and
 - (B) the other university--is--willing--to--accept--responsibility--for the equipment.
 - b) The State university--transferring--such--property--shall--be--responsible for--all--records--pertaining--to--the--property--and--its--transfer--to--another university.

(Source: Repealed 22 Ill. Reg. 6931, effective APR 06 1998)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Access to and Eligibility for Day Care Services
- 2) Code Citation: 89 Ill. Adm. Code 303
- 3) Section Numbers: Adopted Action:
 - 303.1 Repeal
 - 303.2 Repeal
 - 303.3 Repeal
 - 303.4 Repeal
- 4) Statutory Authority: Children and Family Services Act [20 ILCS 505]
- 5) Effective Date of Amendments: April 15, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date Filed in Agency Principal Office: April 15, 1998
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 8702
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference(s) between proposal and final version: None. Only suggested technical corrections by JCAR were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: Effective July 1, 1997, the Department of Human Services became the State agency responsible for administering the subsidized child care program and assessing eligibility for child care. This rulemaking repeals permanently the Department's authority to assess eligibility for employment related child care services. The Department of Human Services has adopted rules pertaining to child care services in accordance with Public Act 90-0017.
- 16) Information and question regarding this adopted amendment shall be directed to:

Mr. Jerry B. Crabtree
Office of Rules and Procedures
406 East Monroe, Station #65

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED REPEALER

Springfield, IL 62701
217/524-1983
Fax: 217/557-0692
E-Mail: ORPINFO@pop.state.il.us

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Financial Responsibility of Parents or Guardians of the Estates of Children

2) Code Citation: 89 Ill. Adm. Code 352

3) Section Numbers: Adoption Action:

352.2 Amended

352.3 Amended

352.4 Amended

352.7 Amended

APPENDIX A

4) Statutory Authority: Children and Family Services Act [20 ILCS 505]

5) Effective Date of Amendments: April 15, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date Filed in Agency Principal Office: April 15, 1998

9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 8726

10) Has JCAR issued a Statement of Objection to these rules? No

11) Difference(s) between proposal and final version: Only technical corrections suggested by JCAR were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of amendments: Subsidized child care is available to persons who are employed or who are in training programs approved by the Department of Human Services. Parents will be required to make co-payments toward the cost of the day care services their children are receiving. The amount of the co-payment will depend upon the family's total income, family size, and number of children receiving care. Effective July 1, 1997, the Department of Human Services is the State agency responsible for administering the subsidized child care program and assessing parental co-payments toward the costs of child care. These amendments repeal permanently the Department's authority to assess child care fees. The Department of Human Services will adopt a schedule for assessing co-payments in accordance with Public Act 90-0017.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and question regarding this adopted amendment shall be directed to:

Mr. Jerry B. Crabtree
Office of Rules and Procedures
406 East Monroe, Station #65
Springfield, IL 62701
217/524-1983
FAX: 217/557-0692
E-Mail: ORPINFO@pop.state.il.us

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER C: FISCAL ADMINISTRATION

PART 352

FINANCIAL RESPONSIBILITY OF PARENTS OR GUARDIANS
OF THE ESTATES OF CHILDREN

Section	Purpose
352.1	Definitions
352.2	Services for Which Assessments Will Be Made
352.3	Notification and Determination of Responsibility
352.4	Initiation of Charges
352.5	Termination of Account Balances
352.6	Method of Billing, Remittance and Collection
352.7	Consideration of Other Benefits
352.8	Rights of Appeal
352.9	Parental Repayment Hearing
352.10	Hearing Decision
352.11	

APPENDIX A Schedule of Weekly Fees for Subsidized Child Care Programs
Income Eligibility 0-75% Median Income [Repealed]

APPENDIX B Substitute Care Fee Schedule

AUTHORITY: Implementing and authorized by Sections 4 and 9.1 through 9.9 of the Children and Family Services Act [20 ILCS 505/4 and 9.1 through 9.9] and Section 6-9 of the Juvenile Court Act of 1987 [705 ILCS 405/6-9].

SOURCE: Adopted and codified at 5 Ill. Reg. 8654, effective September 1, 1981; amended at 7 Ill. Reg. 3175, effective April 1, 1983; emergency amendment at 7 Ill. Reg. 14534, effective October 19, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 1802, effective February 3, 1984; amended at 9 Ill. Reg. 2247, effective February 15, 1985; amended at 10 Ill. Reg. 17120, effective October 15, 1986; amended at 15 Ill. Reg. 11111, effective July 19, 1991; emergency amendment at 15 Ill. Reg. 13554, effective September 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3924, effective February 28, 1992; emergency amendments at 21 Ill. Reg. 9139, effective July 1, 1997, for a maximum of 150 days; emergency expired on November 26, 1997; amended at 22 Ill. Reg. 1-1, effective April 15, 1998.

Section 352.2 Definitions

"Custodial parent" as used in this Part, means the natural or adoptive parent who has been designated by the court to take custody of a child when the parents are legally separated or divorced.

"Dispositional hearing" means the Juvenile Court hearing at which the judge, following adjudication, determines the subsequent care, custody

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

and supervision of the child and what obligations are incumbent upon the parents.

"Exparte correction", as used in this Part ~~these rules~~, means a change made on behalf of the parent or guardian of the estate concerning their liability based on additional information provided by them to support a request for a redetermination or temporary reduction in charge.

"Liability" means the determination of monthly charges due the Department based on annual gross income and family size and the cost of services provided by the Department.

"Parents or guardian of estate" means both parents of a child for whom the Department is providing ~~day-care or~~ substitute care services, even if separated or divorced or the court appointed guardian of the estate of a child whose parents are deceased or disabled. As used, this also includes unmarried mothers over age 18 who are provided substitute care services.

"Prime Commercial Rate" means such prime interest rate as from time to time is publicly announced by the largest commercial banking institution located in this State measured in terms of total assets. [20 ILCS 505/9.7]

"Request for redetermination or temporary reduction in charge" means a petition by the parent, guardian of the estate or unmarried mother over 18 years of age requesting that the Department adjust the liability assessed by the Department.

(Source: Amended at 22 Ill. Reg. 6930, effective APR 15 1998)

Section 352.3 Services for Which Assessments Will Be Made

a) The Department shall assess liability for payment in the following instances:

- 1) Parents or guardians of the estates of children are liable for payment for day care services provided by the Department in accordance with Appendix A except when such services are provided to migrant families or for child protective service reasons when day care services are provided for non-protective reasons parents shall reimburse the day care provider.

a)2) Parents or guardians of the estates of children placed by or with the Department away from their parents in substitute care living arrangements for child protective or child welfare reasons are liable for payment to the Department (in accordance with Appendix B) for the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

substitute care services provided. No parental liability will be assessed for services to refugee unaccompanied minors. Parents or guardians of the estates shall not be assessed an amount which exceeds the cost that the Department has expended for the child's care. Liability for continuing substitute care services shall cease if parental rights are terminated either through court action or adoptive surrender.

b)3) Pregnant females over 18 years of age and the parents of pregnant females under 18 years of age are liable for payment to the Department for substitute care services provided to the unmarried mother in accordance with Appendix B.

c)4) Charges shall not exceed the actual cost of the services provided and may be less than the cost of services provided.

(Source: Amended at 22 Ill. Reg. 6930, effective APR 15 1998)

Section 352.4 Notification of and Determination of Responsibility

a) Parents or guardians of the estates of children shall be notified of their rights and responsibilities concerning parental liability for charges when: 1) applying for BGS-funded day care through the Region/field offices; 2) applying to a title XX title XX of the Social Security Act as amended; 42 U.S.C. 1397 et seq; funded day care facility; 3) the child has been placed in substitute care and the Parental Determinations Unit has received the required information, reviewed all appropriate documents (submitted pursuant to subsection (e) below) and made an assessment of liability.

b) When parents are legally separated or divorced, both are liable for care and training charges based upon their individual income and family size but the amount of liability cannot exceed the child's cost of care. Child support payments which are received by custodial parent are considered income to the recipient in determining the proper assessment upon the custodial parent. A noncustodial parent who is paying child support pursuant to a court decree will be liable for the difference, if any, between the Department's monthly assessment upon the noncustodial parent and the amount of the monthly court ordered child support payment.

c) When parents are living apart, legally separated or divorced, and child support was not ordered, both parents shall be liable for the assessed amount. When the assessment exceeds the cost of care, both parents shall be liable for a share of the cost of care by determining the amount of assessment for each parent (in accordance with Appendix B), then dividing each amount by the total of both assessments and multiplying each of those calculations by the cost of care paid by the Department.

d) At the time of the Juvenile Court dispositional hearing the court is required to order the parent or guardian of the child's estate to make

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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payment to the Department in accordance with Appendix B when substitute care services are to be provided.

- e) Any financial information which is requested from parents or guardians shall be submitted on forms and questionnaires prescribed by the Department and shall contain a written declaration under penalties of perjury, signed by the parent or guardian and provided to Department staff. ~~False, incorrect or incomplete information in respect to any material statement or representation bearing upon one's status as a parent or guardian or upon income, resources, or other matters concerning liability to provide parental payment, shall be subject to the penalties for perjury in accordance with 720 ILCS 5/32-2 Ill-Rev-Stat-1985, ch-38, par-33-2. [20 ILCS 505/9.3]~~

- f) Gross annual income and family size shall be keyed to the appropriate fee schedule to determine liability for ~~day-care~~ or substitute care. The parent or guardian of the child's estate shall be notified in writing of the monthly liability.

- g) Upon the request of the Department, the parent or guardian of the child's estate shall provide information concerning gross annual income. The Department shall subpoena income information when it is not provided after three (3) written requests, and shall impose liability for the full cost of substitute care until the parent(s) or guardian(s) provides the requested information.

- h) The Department shall request updated financial information from the parent or guardian of the child's estate on a semiannual basis. Redeterminations of the parent's or guardian's financial liability will then be made. ~~Any redeterminations shall have the effect of modifying previous determinations. [20 ILCS 505/9.4]~~

- i) When substitute care services are provided (as described in Section 352.3 (a) (2)) and the child is Title IV-E eligible (Title IV-E of the Social Security Act), and the Department is unable, after exhausting every reasonable effort, to assess and/or collect liability against the parent(s), the Department shall refer such cases to the Department of Public Aid for Title IV-D (Social Security Act) support services. Cases shall not be referred, however, when the Department has evidence that there are circumstances of good cause for non-referral, as specified in 45 CFR Section 232.42 (1997) (1985). This incorporation contains no later amendments or editions. To the extent that there is no conflict with 45 CFR Section 232.42 (1997) (1985), referrals shall not be made when harm to the child, custodial parent or caretaker is reasonably anticipated.

(Source: Amended at 22 Ill. Reg. _____, effective APR 15 1998)

Section 352.7 Method of Billing, Remittance and Collection

- a) The Department shall bill for substitute care charges on a monthly basis. Remittance to the Department shall be by check or money order

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made payable to the Treasurer, State of Illinois, and sent to the administrator responsible for collections in Springfield. The Department shall deposit all such monies collected in the appropriate fund. ~~Remittance for non-protective-days-care-services shall be made directly to the day-care facility.~~

- b) The Department shall assess interest each month and the interest shall be based on a rate equal to the prime commercial rate plus 3% on the accounts of the parents or guardians of the estates of children that are more than 60 days delinquent. ~~The Department shall assess interest each month and the interest shall be based on a rate equal to the prime commercial rate plus 3% on the prime-commercial-rate--plus--3%--on--the--accounts--of--the--parents--or--guardians--of--the--estates--of--children--which--are--more--than--sixty--(60) days--delinquent.~~ The Department shall use the prime rate which was effective on the last day of the month prior to the month of billing. The interest balance shall be paid in full before payments will be applied toward the principal.

- c) When the Department has exhausted every reasonable effort to collect delinquent payments, it shall request the Attorney General's Office to pursue collection. When the Attorney General's Office declines to pursue collection and when collection will not jeopardize attainment of the child's permanency goal, pursuant to 89 Ill. Adm. Code 305, Client Service Planning, the Department will proceed in accordance with 20 ILCS 505/9.2 ~~Supp--to--Ill-Rev-Stat-1983, ch-33, par-599-2~~ for the collection of monies owed. Such agreements shall be on a contingent fee basis, but such contingent fee shall not exceed 15% of the total amount collected.

(Source: Amended at 22 Ill. Reg. _____, effective APR 15 1998)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 352.APPENDIX A Schedule of Weekly Fees for Subsidized Child Care Programs Income Eligibility 0-75% Median Income (Repealed)

Family-Size-2			Family-Size-3		
Gross-Annual Income	Weekly Fee		Gross-Annual Income	Weekly Fee	
\$ 0-11,500	\$-----25		\$-----0-13,700	\$-----25	
--11,501-11,900	--1-00		--13,701-14,200	--1-00	
--11,901-12,300	--2-00		--14,201-14,700	--2-00	
--12,301-12,700	--4-00		--14,701-15,200	--4-00	
--12,701-13,100	--6-00		--15,201-15,700	--6-00	
--13,101-13,500	--8-00		--15,701-16,200	--8-00	
--13,501-13,900	--10-00		--16,201-16,700	--10-00	
--13,901-14,300	--12-00		--16,701-17,200	--12-00	
--14,301-14,700	--14-00		--17,201-17,700	--14-00	
--14,701-15,100	--16-00		--17,701-18,200	--16-00	
--15,101-15,500	--18-00		--18,201-18,700	--18-00	
--15,501-15,900	--20-00		--18,701-19,200	--20-00	
--15,901-16,300	--22-00		--19,201-19,700	--22-00	
--16,301-16,700	--24-00		--19,701-20,200	--24-00	
--16,701-17,100	--26-00		--20,201-20,700	--26-00	
--17,101-17,500	--28-00		--20,701-21,200	--28-00	
--17,501-17,900	--30-00		--21,201-21,700	--30-00	
--17,901-18,300	--32-00		--21,701-22,200	--32-00	
--18,301-18,700	--34-00		--22,201-22,700	--34-00	
--18,701-19,100	--36-00		--22,701-23,200	--36-00	
--19,101-19,500	--38-00		--23,201-23,700	--38-00	
--19,501-19,900	--40-00		--23,701-24,200	--40-00	
--19,901-20,300	--42-00		--24,201-24,700	--42-00	
--20,301-20,700	--44-00		--24,701-25,200	--44-00	
--20,701-21,100	--46-00		--25,201-25,700	--46-00	
--21,101-21,500	--48-00		--25,701-26,200	--48-00	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 352.APPENDIX A Schedule of Weekly Fees for Subsidized Child Care Programs Income Eligibility 0-75% Median Income (Repealed)

Family-Size-4			Family-Size-5		
Gross-Annual Income	Weekly Fee		Gross-Annual Income	Weekly Fee	
\$-----0-16,900	\$-----25		\$-----0-19,400	\$-----25	
--16,901-17,500	--1-00		--19,401-20,100	--1-00	
--17,501-18,100	--3-00		--20,101-20,800	--3-00	
--18,101-18,700	--5-00		--20,801-21,500	--5-00	
--18,701-19,300	--7-00		--21,501-22,200	--7-00	
--19,301-19,900	--9-00		--22,201-22,900	--9-00	
--19,901-20,500	--11-00		--22,901-23,600	--11-00	
--20,501-21,100	--13-00		--23,601-24,300	--13-00	
--21,101-21,700	--15-00		--24,301-25,000	--15-00	
--21,701-22,300	--17-00		--25,001-25,700	--17-00	
--22,301-22,900	--20-00		--25,701-26,400	--20-00	
--22,901-23,500	--23-00		--26,401-27,100	--23-00	
--23,501-24,100	--26-00		--27,101-27,800	--26-00	
--24,101-24,700	--29-00		--27,801-28,500	--29-00	
--24,701-25,300	--32-00		--28,501-29,200	--32-00	
--25,301-25,900	--35-00		--29,201-29,900	--35-00	
--25,901-26,500	--38-00		--29,901-30,600	--38-00	
--26,501-27,100	--41-00		--30,601-31,300	--41-00	
--27,101-27,700	--44-00		--31,301-32,000	--44-00	
--27,701-28,300	--47-00		--32,001-32,700	--47-00	
--28,301-28,900	--50-00		--32,701-33,400	--50-00	
--28,901-29,500	--53-00		--33,401-34,100	--53-00	
--29,501-30,100	--56-00		--34,101-34,800	--56-00	
--30,101-30,700	--59-00		--34,801-35,500	--59-00	
--30,701-31,366	--62-00		--35,501-36,223	--62-00	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Family-Size-6			Family-Size-7		
Gross-Annual ---Income	---Weekly ---Pee		Gross-Annual ---Income	---Weekly ---Pee	
\$-----0-22,000	\$-----25		\$-----0-23,000	\$-----25	
--22,001-22,000	--1-00		--23,001-23,000	--1-00	
--22,001-23,600	--3-00		--23,001-24,700	--3-00	
--23,601-24,400	--5-00		--24,701-25,700	--5-00	
--24,401-25,200	--7-00		--25,701-26,700	--7-00	
--25,201-26,000	--9-00		--26,701-27,000	--9-00	
--26,001-26,000	--11-00		--27,001-27,000	--11-00	
--26,001-27,600	--13-00		--27,001-28,700	--13-00	
--27,601-28,400	--15-00		--28,701-29,700	--15-00	
--28,401-29,200	--17-00		--29,701-30,700	--17-00	
--29,201-30,000	--20-00		--30,701-31,700	--20-00	
--30,001-30,800	--23-00		--31,701-32,700	--23-00	
--30,801-31,600	--26-00		--32,701-33,700	--26-00	
--31,601-32,400	--29-00		--33,701-34,700	--29-00	
--32,401-33,200	--32-00		--34,701-35,700	--32-00	
--33,201-34,000	--35-00		--35,701-36,700	--35-00	
--34,001-34,800	--38-00		--36,701-37,000	--38-00	
--34,801-35,600	--41-00		--37,001-37,600	--41-00	
--35,601-36,400	--44-00		--37,601-38,700	--44-00	
--36,401-37,200	--47-00		--38,701-39,700	--47-00	
--37,201-38,000	--50-00		--39,701-40,700	--50-00	
--38,001-38,800	--53-00		--40,701-41,700	--53-00	
--38,801-39,600	--56-00		--41,701-42,700	--56-00	
--39,601-40,400	--59-00		--42,701-43,700	--59-00	
--40,401-41,200	--62-00				

NOTE:--Fees are per family.--if a family has more than 9 members--the fee schedule may be adjusted--as follows--Subtract--9937--from--the gross--annual--income--for--each--family--member--over--9--Charge--the indicated--fee--under--family--size--of--9--for--the--resulting--adjusted income.

No--clients--are--to--be--charged--more--than--the--indicated--fee--or--the maximum rate paid by the Department of Children and Family Services or the cost of the care--whichever--is--less.

Use--4-333--weeks--per month when converting weekly fees into monthly fees--or--when converting weekly income into monthly income--and--use 2-1666--to--convert--bi-weekly--fees--or--income--into--monthly--fees--or income.

For part time care--every case--less than five hours per day--charge

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Family-Size-8			Family-Size-9		
Gross-Annual ---Income	---Weekly ---Pee		Gross-Annual ---Income	---Weekly ---Pee	
\$-----0-23,900	\$-----25		\$-----0-24,800	\$-----25	
--23,901-24,700	--1-00		--24,801-25,600	--1-00	
--24,701-25,500	--3-00		--25,601-26,400	--3-00	
--25,501-26,300	--5-00		--26,401-27,200	--5-00	
--26,301-27,100	--7-00		--27,201-28,000	--7-00	
--27,101-27,900	--9-00		--28,001-28,800	--9-00	
--27,901-28,700	--11-00		--28,801-29,600	--11-00	
--28,701-29,500	--13-00		--29,601-30,400	--13-00	
--29,501-30,300	--15-00		--30,401-31,200	--15-00	
--30,301-31,100	--17-00		--31,201-32,000	--17-00	
--31,101-31,900	--20-00		--32,001-32,800	--20-00	
--31,901-32,700	--23-00		--32,801-33,600	--23-00	
--32,701-33,500	--26-00		--33,601-34,400	--26-00	
--33,501-34,300	--29-00		--34,401-35,200	--29-00	
--34,301-35,100	--32-00		--35,201-36,000	--32-00	
--35,101-35,900	--35-00		--36,001-36,800	--35-00	
--35,901-36,700	--38-00		--36,801-37,600	--38-00	
--36,701-37,500	--41-00		--37,601-38,400	--41-00	
--37,501-38,300	--44-00		--38,401-39,200	--44-00	
--38,301-39,100	--47-00		--39,201-40,000	--47-00	
--39,101-39,900	--50-00		--40,001-40,800	--50-00	
--39,901-40,700	--53-00		--40,801-41,600	--53-00	
--40,701-41,500	--56-00		--41,601-42,400	--56-00	
--41,501-42,300	--59-00		--42,401-43,200	--59-00	
--42,301-43,092	--62-00		--43,201-44,029	--62-00	

NOTE:--Fees are per family.--if a family has more than 9 members--the fee schedule may be adjusted--as follows--Subtract--9937--from--the gross--annual--income--for--each--family--member--over--9--Charge--the indicated--fee--under--family--size--of--9--for--the--resulting--adjusted income.

No--clients--are--to--be--charged--more--than--the--indicated--fee--or--the maximum rate paid by the Department of Children and Family Services or the cost of the care--whichever--is--less.

Use--4-333--weeks--per month when converting weekly fees into monthly fees--or--when converting weekly income into monthly income--and--use 2-1666--to--convert--bi-weekly--fees--or--income--into--monthly--fees--or income.

For part time care--every case--less than five hours per day--charge

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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one-half (1/2) the indicated fee-

(Source: Repealed at 22 Ill. Reg. effective
APR 15 1998)

6937-3
effective

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- 1) Heading of the Part: Fees for Radioactive Material Licensees and Registrants
- 2) Code Citation: 32 Ill. Adm. Code 331
- 3) Section Number:

331.10	Amendment	<u>Adopted Action:</u>
331.20	Amendment	
331.30	Amendment	
331.110	Amendment	
331.115	New Section	
331.120	Amendment	
331.125	New Section	
331.130	Amendment	
331.310	Amendment	
Appendix D	Repealed	
Appendix E	New Section	
Appendix F	New Section	
- 4) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].
- 5) Effective Date of Amendments: April 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 31, 1998
- 9) Notices of Proposal Published in Illinois Register: January 16, 1998, 22 Ill. Reg. 1679
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version:
 - a) In the Title of the Part, changed "Licenses" to "Licensees".
 - b) In the Table of Contents, changed "Licenses" to "Licensees".
 - c) In Section 331.110, struck "the" and added "a", deleted "State", and reinstated "state".
 - d) In Section 331.110, added "commercial" before "distribution".
 - e) In Section 331.110, deleted "as a".
 - f) In Section 331.110, deleted "service"; added "remunerated" after "or".
 - g) In Section 331.110, added the following at the second indent level:
"AGENCY NOTE: Commercial distribution does not include transfer of material to another licensee for the purposes of collaborative research and development."

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- "AGENCY NOTE: Remunerated services refer to persons not affiliated with the licensee. For example, this does not include contractual arrangements between different departments within the same licensee."
- h) In Section 331.115, deleted "timely" and added "in a timely manner" after "recovered".
 - i) In Section 331.120, struck "must" and changed to "shall".
 - j) In Section 331.120, deleted "either"; deleted "1" after "quarterly".
 - k) In Section 331.120, struck "or".
 - l) In Section 331.120, added "primary" before "applicable".
 - m) In Section 331.125, changed "immediately" to "April 1, 1998".
 - n) In Section 331.125, changed "after the adoption of this Section" to "beginning April 1, 1998".
 - o) In Section 331.125, added "license" before "expiration".
 - p) In Section 331.125, changed "migrated" to "converted".
 - q) In Appendices E and F, in the Section title, changed "Licenses" to "Licensees".
 - r) In Appendix E, changed "licensees" to "licensees".
 - s) In Appendix E, added the following at the first indent level:
"AGENCY NOTE: The Department will allow the non-commercial distribution of material to other licensees for the purpose of collaborative research and development."
 - t) In Appendix F, in the title, added "and Registrants" after "Licensees".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this proposed amendment replace an emergency rule currently in effect? No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: This Amendment will replace the current 5-year cycle of fee collection with a one-year cycle. Also, a new appendix is added to specify primary material use categories for radioactive material licensees and registrants. Other amendments add new fees applicable to "generally licensed devices" such as x-ray fluorescence analyzers, gas chromatographs and gauges containing sealed sources with certain quantities of radioactive material. The Department is also adding a new Section to the Part which will require all licensees to pay recovery and remediation fees.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Robert B. Holtscclaw
Staff Attorney
Department of Nuclear Safety

DEPARTMENT OF NUCLEAR SAFETY

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1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-1003 (voice)
(217) 782-6133 (TDD)

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY
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TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 331
FEES FOR RADIOACTIVE MATERIAL LICENSEES LICENSES AND REGISTRANTS

Section	Purpose
331.10	Scope
331.20	Definitions
331.30	Exemptions
331.110	Radioactive Material Recovery and Remediation Fee
331.115	Payment of Fees
331.120	Implementation
331.130	Refunds
331.200	Full Cost of Review
331.210	Schedule of Fees For Radioactive Material Licenses (Repealed)
331.310	Failure By Applicant, Registrant or Licensee To Pay Prescribed Fee
APPENDIX A	Schedule of License Fees (Repealed)
TABLE A	License Fees - Jan. 1, 1988 - Dec. 31, 1988 (Repealed)
TABLE B	License Fees - Jan. 1, 1989 - Dec. 31, 1989 (Repealed)
TABLE C	License Fees - Jan. 1, 1990 - Dec. 31, 1990 (Repealed)
APPENDIX B	Fee Schedule For Radioactive Material Licenses (Repealed)
APPENDIX C	Fee Schedule For Sealed Source And Device Evaluations (Repealed)
APPENDIX D	Fee Schedule For Radioactive Material Licenses (Repealed)
APPENDIX E	Primary Material Use Categories for Radioactive Material Licensees and Registrants
APPENDIX F	Fee Schedule for Radioactive Material Licensees and Registrants

AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 (420 ILCS 40/11).

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at 18 Ill. Reg. 12131, effective August 1, 1994; emergency amendment at 21 Ill. Reg. 4309, effective March 19, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 10968, effective July 28, 1997; amended at 22 Ill. Reg. 6954-1 effective APR 01 1998.

Section 331.10 Purpose

This part establishes the fees to cover the costs of licensure and inspection of charged-for radioactive material licenses, registration of certain types of generally licensed devices, recovery and remediation of radioactive material and evaluation and maintenance of sealed source and device evaluations

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conducted in support of radioactive material licenses issued by the Illinois Department of Nuclear Safety (the Department).

(Source: Amended at 22 Ill. Reg. 6954-1 effective APR 01 1998)

Section 331.20 Scope

Except for persons who apply for or hold only licenses exempted in Section 331.110 of this Part, this part applies to any person who is an applicant for, or holder of, a radioactive material license issued pursuant to 32 Ill. Adm. Code 330, 332 or 601, or a sealed source or device evaluation issued to a radioactive material licensee, or to any person who possesses a generally licensed kit or device as defined in Section 331.30 of this Part.

(Source: Amended at 22 Ill. Reg. 6954-1 effective APR 01 1998)

Section 331.30 Definitions

The following definitions are applicable for use in this Part only. Additional definitions for use in this Part are located in 32 Ill. Adm. Code 310.20.

"Application" means a request filed with the Department for a license, amendment, amendment to terminate a license, renewal, sealed source or device evaluation, amendment to a sealed source or device evaluation or an exemption granted by the Department pursuant to 32 Ill. Adm. Code: Chapter II.

"Amendment" means a modification in the license document that reflects changes to a radiation safety program or modifications to a sealed source or device evaluation which do not meet the criteria of a minor amendment.

"Amendment--fee" means--fees--assessed--for--modifying--a--previously approved--sealed--source--or--device--evaluation--or--for--modifying--a license--to--increase--the--number--of--permanent--jobsites--listed--on--the license--to--add--a--new--material--use--category--or--to--change--the--radiation safety--program--at--a--licensed--facility. For licenses based on the full cost-of-review--Amendment--fees--do--not--include--the--fee--associated--with processing--a--"minor--amendment".

AGENCY--NOTE--For--licenses--based--on--fixed--fees--there--is--no--fee assessed--for--amendments--to--change--the--radiation--safety--program--The cost--to--the--Department--for--processing--such--amendments--is--incorporated into--the--fixed--license--fee. For licenses based on fixed-cost--fees--for adding--additional--jobsites--or--for--adding--additional--material--use categories--are--assessed--in--accordance--with--Section--331.120.

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"Anniversary date" means the last day of the month for each year the license is in effect, that corresponds to the last day of the month in which the license expires.

AGENCY NOTE: For purposes of this Part, the 28th will be considered the last day of the month of February.

"Category I irradiator" means a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volume volumes undergoing irradiation is not physically possible because of the design of the irradiator.

"Category II irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Category III irradiator" means a gamma irradiator in which the sealed source is contained in a storage pool (usually containing water); the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use.

"Category IV irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a storage pool (usually containing water), if fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Confirmatory environmental monitoring" means those surveys conducted by the Department either to establish whether the licensee has complied with the concentrations and exposure limits or dose limits specified in 32 Ill. Adm. Code 332, 340, 601 or 606, or to provide data to evaluate potential health and environmental impacts resulting from licensed activities.

"Dispensing" means to remove aliquots of radioactive material from bulk stock and distribute portions to another licensee or to a person exempt from licensure.

"Distribution" means the transfer of radioactive material to three or more licensees or persons exempt from licensure pursuant to 32 Ill. Adm. Code 330 or 332.

"Educational institution" means a non-profit organization which has as its primary purpose the advancement of knowledge in one or more

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specific fields and which is accredited by the North Central Association of Colleges and Schools or equivalent.

"Evaluation fees" means fees assessed for evaluation of new sealed sources or devices.

"Generally licensed devices" means x-ray fluorescence analyzers, gas chromatographs and gauges containing sealed sources in quantities equal to or greater than 37 MBq (lmCi) of radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(b).

AGENCY NOTE: Although general licensees are required to register with the Department (32 Ill. Adm. Code 320.10), only general licensees possessing the types of devices with quantities of radioactive material defined above are required to pay fees as specified in this Part.

"Generally licensed kits" means radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(f) for in vitro clinical or laboratory testing.

"License fees" means fees for new radioactive material licenses or renewal of existing radioactive material licenses as specified in 32 Ill. Adm. Code 330.330, 332.120 or 601.130.

"Manufacture" means the dispensing or processing of radioactive material or the assembly of radioactive material as sealed sources into devices.

"Materials license" means a radioactive material license issued pursuant to 32 Ill. Adm. Code 330, 332 or 601.

"Material use category" means the category described in Appendix-D that represents the use of radioactive material authorized by the licensee or the requested authorized use submitted by the applicant.

"Minor amendment" means changes to a radiation safety program which are administrative in nature such as changing the name of the Radiation Safety Officer or changing the users specified on a radioactive material license. A fee is charged for minor amendments to licenses when the initial license fee is based on full cost of review.

AGENCY NOTE: Although all licensees are required to obtain amendments prior to instituting administrative changes in the radiation safety program, no fee is assessed for minor amendments to licenses for which a fixed fee is prescribed in Appendix-B. The cost to the Department of processing minor amendments to such licenses is incorporated in the

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initial-license-fee:

"permanent jobsite" means any location where licensed material is stored or used for more than 180 days during any consecutive 12 months.

"Primary material use category" means the category described in Appendix E of this Part that corresponds to the category of use of radioactive material with the highest fee, either authorized by the license or requested by the applicant.

"Processing" means the preparation, manipulation or conversion of radioactive material.

"Remote site" means any permanent jobsite that is located in an area that is not contiguous to the primary use location.

"Temporary jobsite" means any location where licensed material is used or stored for 180 days or less during any consecutive 12 months.

"Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport, storage or disposal, amenable to recovery, convertible to another usable material or reduced in volume. [420 ILCS 20/3]

(Source: Amended at 22 Ill. Reg. 6951, effective APR 01 1998)

Section 331.110 Exemptions

No fees as described in Sections 331.115 and Section 331.120 of this Part shall be required for:

- a) Persons who possess radioactive material A--general--license--issued pursuant to 32 Ill. Adm. Code 330.210, 330.220(a), (b)(7) (c), (d), (e), (g) or 330.900(a)(2) and (b)(2).
- b) Persons who possess radioactive material pursuant to 32 Ill. Adm. Code 330.220(b), except for generally licensed devices as defined in Section 331.30 of this Part.

c) A license for possession and use of radioactive material issued to an agency of a state, county, or municipal government or any political subdivision thereof. This exemption does not apply to licenses for which the license fee is based on full cost, licenses which authorize distribution of radioactive material or licenses authorizing testing for leakage or contamination as a service, or instrument calibration services to any person other than an agency or political subdivision of a the state, county, or municipal government.

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d) A license for possession and use of radioactive material issued to an educational institution as defined in Section 331.30 of this Part. This exemption does not apply to licenses for which the license fee is based on full cost, licenses authorizing commercial distribution of radioactive material, licenses authorizing human use of radioactive material, or licenses authorizing remunerated testing of sealed sources for leakage or contamination or remunerated instrument calibration services to any person that--authorize--human--use--or remunerated-services-to-others.

AGENCY NOTE: Commercial distribution does not include transfer of material to another licensee for the purposes of collaborative research and development.

AGENCY NOTE: Remunerated services refer to persons not affiliated with the licensee. For example, this does not include contractual arrangements between different departments within the same licensee.

e) An application to amend a materials license for which the license fee is not based on full cost, that would not change the primary material use category to a category with a higher fee, or add additional permanent jobsites.

f) A general license or specific license authorizing the use of source material as prefabricated shielding only in devices and containers, provided, however, that all other licensed material in the device or container will be subject to the fees prescribed in Appendix F B of this Part.

g) An application to change the status of a sealed source or device evaluation from "active" to "inactive". For purposes of this exemption, a sealed source or device evaluation is designated "active" if new sources or devices are being manufactured and/or distributed for use. An evaluation is designated "inactive" by the Department when such sources and devices are no longer manufactured or when the evaluation is superseded by another evaluation for--commercial distribution.

h) An application to change the company name or address listed on a sealed source or device evaluation.

(Source: Amended at 22 Ill. Reg. 6951, effective APR 01 1998)

Section 331.115 Radioactive Material Recovery and Remediation Fee

All specific and general licensees subject to this Part shall pay an annual fee for recovery and remediation of radioactive material for a period of two years. Fees are specified in Appendix F of this Part. This Department will account separately for all such fees which will be used only for the costs of recovery and remediation of radioactive material when such costs cannot be recovered in a timely manner from a responsible person or an available surety.

(Source: Added at 22 Ill. Reg. 6951, effective APR 01 1998)

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APR 01 1988

Section 331.120 Payment of Fees

Fees for licensing actions and for evaluations of sealed sources and devices shall be assessed and paid as follows:

- a) For categories of licenses that are shown to have an annual fee in Appendix F of this Part B specified as being assessed as a fixed cost license fee, fees shall be due at the time a new license application is submitted to the Department. For existing licenses, fees shall be due annually on the anniversary date. Fees shall also be assessed for applications application for new licenses amendments to add or change the primary material use category to a primary use category with a higher fee, and categories amendments to increase the number of permanent jobsites and renewals of existing licenses. Annual Fixed cost license fees shall be assessed as follows:

- 1) Annual fees: Unless a license or amendment application is exempt under Section 331.110 of this Part, or the license fee is to be based on full costs (see Appendix F of this Part B), each licensee shall remit the fees specified in Appendix F of this Part for the primary material use category authorized by the license prior to the anniversary date. Application for which a fixed fee is prescribed in Appendix B of this Part shall be accompanied by a remittance in the full amount of the fee. No application will be processed prior to payment of the full amount specified.
- 2) For applications covering only one material use category, the prescribed fee shall be the fee for the appropriate category as specified in Appendix B. For licenses covering more than one material use category, the fee shall be 100% of the highest fee for a material use category for which a fee is due plus 30% of the fee listed for each other material use category for which a fee is due.
- 2.3) Annual remote site fee Multiple use locations: For each remote site additional permanent jobsites where radioactive material is stored or used under the same license, the applicant shall submit the amount specified in Appendix F of this Part for each remote site that corresponds to the highest material use category authorized by the license for each site. The licensee shall remit the remote site fee prior to the anniversary date 20% of the applicable material use category fee for each additional site. The total additional fee submitted for multiple use locations shall not exceed 100% of the application fee for that material use category.
- 3) Changing the primary material use category. An application for amendment to a materials license that would change the primary material use category to a new primary material use category with a higher fee shall be accompanied by the difference between the applicable annual fees as determined by the following formula:

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F = H-L

where:

F = Total fee due.

H = Higher fee required by new primary material use category.

L = License fee for the primary material use category currently authorized by the licensee.

The same formula shall be used to calculate fees for each remote site authorized on the license.

- 4) The license fees listed in Appendix F of this Part B are assessed for a 12 month period beginning on the anniversary date until the license is terminated the term of the license.
- 5) A licensee requesting renewal of a license shall pay the license fees specified in Appendix B that will be in effect upon the expiration date of the license. Applications for new licenses or amendments will be assessed fees specified in Appendix F of this Part B based upon the date the application is received in the Department.
- AGENCY: NRCB. Although 32-111-Adm-930-330 requires licensees to request renewal of a license not less than 30 days prior to the expiration of the existing license, renewal fees will be calculated based upon the fees in effect on the expiration date of the license.
- 6) An educational institution (as defined in Section 331.30 of this Part) that seeks or has a license authorizing possession and use of radioactive material for human use or remunerated leak testing or instrument calibration services to others shall pay 100% of the highest primary material use fee category for which a fee is due. For licenses covering more than one human use or remunerated service category, the fee shall be 100% of the highest fee for a material use category for which a fee is due plus 30% of the fee listed for each other material use category for which a fee is due. This fee will be assessed beginning with the first licensing action taken after August 17, 1994.
- b) Recovery and remediation fees listed in Appendix F of this Part shall be due annually on the anniversary date for a period of two years.
- c) For categories of licenses that have fees based on full cost of review, as listed in Appendix F of this Part B, specific are to be assessed fees based on full cost of review, fees shall be assessed for all new applications, evaluations, inspections, amendments (including minor amendments and amendments to terminate a license) and for monitoring of unlicensed properties contaminated with byproduct material (as defined in 32 Ill. Adm. Code 332.20) and assessing the decommissioning and decontamination activities at such properties. Fees based on full cost license reviews shall be paid as follows:
 - 1) For license categories based on full cost review, the licensee

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will be billed quarterly or when the Department has incurred unpaid full cost expenses (as defined in Section 331.200(c) of this Part) in excess of the amount of the deposit, whichever is earlier. Each bill will identify the applications and the costs related to each. Payment is due within 60 days after the date of billing 45-days-of-receipt-of-the-bill.

- 2) For the first application, other than an application for a minor amendment, received from a licensee after April 1, 1998 August 1, 1994, for which Appendix F of this Part B specifies that the review charges are based on full costs, the applicant shall submit the deposit prescribed in Appendix F of this Part. Licensees that already have adequate deposits on file with the Department are not required to resubmit a deposit except as indicated in subsection (d) of this Section. The licensee may be billed quarterly, or when the Department has incurred unpaid full cost expenses (as defined in Section 331.200(c) of this Part) in excess of the amount of the deposit, or upon completion of license amendment whichever is earlier. Each bill will identify the applications and the costs related to each. Payment is due within 60 days after the date of billing 45-days-of-receipt-of-the-bill.

- 3) Applications for minor amendments to licenses subject to full cost reviews as specified in Appendix B, shall pay those fees identified as minor amendment fees at the time the amendment is filed with the Department.

d) For evaluations of new sealed sources and devices, and amendments to existing sealed sources and device evaluations, fees shall be assessed based on the full cost of review. Each application for an evaluation of a new sealed source or device, or for an amendment to an existing sealed source or device evaluation, shall be accompanied by a deposit in the amount of \$500.00. The applicant will be billed or issued a refund upon the completion of the review. Each bill will identify the applications and the costs related to each. Payment is due within 60 days after the date of billing 45-days-of-receipt-of-the-bill.

- e) For evaluations of financial surety cost estimates submitted to the Department, fees for Department review shall be assessed based on the full cost of review time in excess of one hour. Payment is due prior to issuance or amendment of the license. Adding material-use categories:

- i) An application for amendment to a materials license that would add a material-use category with a lower license fee must be accompanied by the total fee due for each new material-use category as determined by the following formula:

$$P = 0.06 \times N \times B$$

where

P = Total fee due

N = Number of years remaining on the license (partial years count as one full year in this calculation)

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- 5 = license fee for the new material-use category
3) An application for amendment to a materials license that would add a material-use category with a higher fee must be accompanied by the total fee due as determined by the following formula:

$$P = (0.2 \times H \times N) + (0.14 \times B \times N)$$

where

P = Total fee due

N = Number of years remaining on the license (partial years count as one full year in this calculation)

H = Higher fee required by new material-use category

B = Highest license fee for a material-use category

currently authorized by the licensee

- f) For categories of licenses not exempted in Section 331.110 of this Part, and licenses not subject to full cost reviews as described in Appendix F of this Part, full cost fees shall be assessed for Department confirmatory measurements and Department assessment of decommissioning and decontamination activities associated with the termination of a license or use of a site. The licensee shall be billed upon the completion of the assessment and prior to removal of a site from the license or termination of the license. Each bill will identify the applications and the costs related to each. Payment is due within 60 days after the date of the billing. Adding multiple-use locations: An application for amendment to a materials license that would increase the number of permanent jobsites must be accompanied by the total fee due as determined by the following formula:

$$P = 0.04 \times H \times N \times J$$

where

P = Total fee due

N = Number of years remaining on the license (partial years count as one full year in this calculation)

H = the highest material-use category applicable to the

intended use of material at the new permanent jobsite

J = The number of permanent jobsites to be added: if there are 5 or more permanent jobsites, then J is equal to 5

equat-to-5:

- AGENCY-NOT-Although a licensee may have more than 5 permanent jobsites, the maximum additional fee for multiple permanent jobsites is the license fee for the highest material-use category applicable at the permanent jobsite

- g) Registration of persons with generally licensed kits and devices containing radioactive material. Each person possessing a generally licensed kit or device defined in Section 331.20 of this Part shall be billed the amount specified in Appendix F of this Part annually. Payment is due within 60 days after the date of the billing.

- h) Sealed source and device evaluation maintenance fee. Each person having an active sealed source or device evaluation on file with the Department shall be billed the amount specified in Appendix F of this

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Part annually for each active evaluation sheet on file with the Department. Payment is due within 60 days after the date of the billing.

- 1) Reciprocity fees.- Each application for reciprocal recognition of an out-of-state license under 32 Ill. Adm. Code 330.900(a)(1) or (b)(1) shall be accompanied by a remittance of 20% of the applicable annual license fee for the primary applicable material use category indicated in Appendix B of this Part. However, such fee is not required if the applicant has paid to the Department a reciprocity fee for that license within 12 months prior to the date of commencement of the proposed activity and the proposed activity will not extend past 12 months from the receipt of the reciprocity fee the applicant has paid.
- 2) Fee payments.- Payments shall be by check or money order made payable to the Illinois Department of Nuclear Safety.

(Source: Amended at 22 Ill. Reg. 6951, effective APR 01 1998)

Section 331.125 Implementation

- a) Effective April 1, 1998, all licensees shall be assessed recovery and remediation fees in accordance with this Part.
- b) All new license applications received in the Department beginning April 1, 1998 shall be assessed fees in accordance with this Part.
- c) Effective April 1, 1998, all licensees with license expiration dates between April 1, 1998 and March 31, 1999, shall be assessed annual fees in accordance with this Part.
- d) Effective April 1, 1999, all licensees, except those with license expiration dates between April 1, 2000 and March 31, 2003, that have not converted to annual fees in accordance with subsection (h) of this Section, shall be assessed annual fees in accordance with this Part.
- e) Effective April 1, 2000, all licensees, except those with license expiration dates between April 1, 2001 and March 31, 2003, that have not converted to annual fees in accordance with subsection (h) of this Section, shall be assessed annual fees in accordance with this Part.
- f) Effective April 1, 2001, all licensees, except those with license expiration dates between April 1, 2002 and March 31, 2003, that have not converted to annual fees in accordance with subsection (h) of this Section, shall be assessed annual fees in accordance with this Part.
- g) Effective April 1, 2002, all licensees shall be assessed annual fees in accordance with this Part.
- h) For licensees that are not yet subject to annual fees, in the event the licensee submits an application to add a remote use site or change to a different primary material use category, the Department shall require that licensee to convert to annual fees as specified in this Part. The Department shall issue a credit or refund for the full remaining years left on the license, as described in Section 331.130 of this Part, and the licensee shall pay the difference between the

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credited amount and any annual fees due. In the event the amount to be refunded exceeds the annual fees due, a refund shall be issued. No amendment to change the number of remote sites listed on the license or to change the primary material use category shall be approved until all fees are paid.

(Source: Added at 22 Ill. Reg. 6951, effective APR 01 1998)

Section 331.130 Refunds

The following procedures rules will be followed by the Department when calculating refunds to licensees and applicants for materials licenses:

- a) For licenses with an expiration date prior to March 31, 2003, that have not converted to annual fees, and for which a fixed fee is prescribed in Appendix F of this Part: By-1
- 1) In the event that the Department terminates a license at the request of the licensee prior to the license expiration date, the Department will issue a prorated refund of ten percent of the license fees paid prior to April 1, 1998, for each remaining full year for which the license fee was paid.
- 2) In the event that the licensee requests to add a remote use site or change to a different primary material use category, prior to the license expiration date, the Department will issue a credit or prorated refund of ten percent of the license fees paid prior to April 1, 1998, for each remaining full year for which the license fee was paid.
- b) For new license applications received prior to April 1, 1998 licenses for which a fixed fee is prescribed in Appendix-B, in the event that the applicant withdraws, or the Department abandons or denies an application prior to issuance of the license document, the Department will issue a refund totalling 50% 80% of the total fee submitted for that license action.
- c) For licenses for which the license fee is based on full cost review, and for applications for sealed source and device evaluations, in the event that the applicant withdraws, or abandons, or the Department denies an application prior to issuance of the evaluation sheet or initial license, the Department will issue a refund totalling the deposit submitted for that application minus the full cost expenses incurred but not paid by the applicant. In the event the expenses incurred exceed the deposit, the applicant will be billed for the unpaid balance of full cost expenses as defined in Section 331.200 of this Part. Each bill will identify the application and the related costs. Payment is due within 60 days after the date of billing days-of-receipt.
- d) For licenses for which the fee is based on full cost review, and for sealed source and device evaluations, upon termination of the license or issuance of a sealed source or device evaluation sheet, the

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Department will issue a refund totalling the deposit submitted, minus any outstanding full cost expenses. In the event that expenses incurred exceed the deposit, the applicant will be billed for the unpaid balance of full cost expenses as defined in Section 331.200 of this Part. Each bill will identify the applications and the related costs. Payment is due within 60 days after the date of billing 45 days-of-receipt.

(Source: Amended at 22 Ill. Reg. effective
APR 01 1990 6951=)

Section 331.310 Failure By Applicant, Registrant or Licensee To Pay Prescribed Fee

In any case where the Department finds that an applicant, registrant or a licensee has failed to pay a prescribed fee required in this Part, the Department will not process the application and will return the application to the applicant with an explanation that the application is being returned because fees have not been paid. In addition, the Department will have the authority to suspend or revoke, in accordance with 32 Ill. Adm. Code 200 330-500, authorization to use radioactive material, and any license issued to the applicant or licensee for which if all required license fees have not been paid.

(Source: Amended at 22 Ill. Reg. effective
APR 01 1990 6951=)

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Section 331.APPENDIX D Fee Schedule For Radioactive Material Licenses (Repealed)

MATERIALS-USE-CATEGORIES

PBB-PAYABLE:
August-17-1994

101

Radioactive--Material--(as--defined-in-32-III--Adm--Code
310-20)

A- Type--A--Broad--Scope--Manufacturing--and/or
Distribution--licenses--(as--specified--in-32-III--
Adm--Code--330-370)--for--possession--and--use--of
radioactive--material--for--processing--or
manufacturing--radioactive--material--or--items
containing--radioactive--material--for--commercial
distribution--including--but--not--limited--to--
manufacturing--of--a--chemical--mixture--compound--
solution--or--alloy--which--is--listed--in-32-III--Adm--
Code--330-30:

\$197529

License-Fee:

B- Other-Manufacturing-and/or-Distribution--licenses
for--possession--and--use--of--radioactive--material--and
for--processing--or--manufacturing--radioactive
material--or--items--containing--radioactive--material
for--commercial--distribution--including--but--not
limited--to--manufacturing--of--a--chemical--mixture--
compound--solution--or--alloy--which--is--listed--in-32-
III--Adm--Code--330-30:

\$107490

License-Fee:

C- Distribution--licenses--authorizing--distribution--of
radioactive--material--or--items--containing
radioactive--material--not--involving--processing--or
manufacturing--of--radioactive--material:

\$-37583

License-Fee:

D- Category-I-Irradiator--licenses--for--possession--and
use--of--radioactive--material--as--sealed--sources--in--a
Category-I-Irradiator:

\$-17065

License-Fee:

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MATERIAL-USB-CATEGORIES

FEB-PAYABLE-
August-17-1994

B- Category--II--III--or-IV--irradiator---licenses-for
possession-and-use-of-less-than-107000-curies--of
radioactive--material--as--sealed--sources--in--a
Category--II--Category--III--or--Category--IV
irradiator:

License-Fee:

\$-67093

P- Category--II--III--or-IV--irradiator---licenses-for
possession-and-use-of-107000-curies--or--more--of
radioactive--material--as--sealed--sources--in--a
Category--II--Category--III--or--Category--IV
irradiator:

License-Fee:

\$117932

G- type-----A-----Broad-----Scope-----Research-----and
Development---licenses--(as--specified--in--32-III-
Adm--Code--330.270)--for--possession--and--use--of
radioactive-material--for--research--and--development
that--do--not--authorize--commercial--distribution:

License-Fee:

\$-57017

H- Other---Research---and---Development---licenses---for
possession-and-use-of-radioactive-material--for
research--and--development--that--do--not--authorize
commercial--distribution:

License-Fee:

\$-37006

I- Services---licenses---that---authorize---services---for
other-licenses,--including--but--not--limited--for
leak--testing--instrument--calibration--and--sample
analysis--but--not--including--waste--disposal
transportation--of--radioactive--waste---broker
services:

License-Fee:

\$-57226

J- Gas---Chromatographs---and---X-Ray---Fluorescence
Analyzers---licenses---for--possession--and--use--of
radioactive--material--in--sealed--sources--or--detector
cells--for--use--in--gas--chromatographs--and--x-ray

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MATERIAL-USB-CATEGORIES

FEB-PAYABLE-
August-17-1994

fluorescence-analyzers:

License-Fee:

\$-17440

K- Other---all--other--specific--radioactive--material
licenses---not--specified--elsewhere--in--this--fee
schedule--including--but--not--limited--to--licenses
for--possession--and--use--of--radioactive--material--in
sealed--sources--for--use--in--fixed--and--portable
gauges:

License-Fee:

\$-37567

102

Wireline-Service-Operations--(as--defined--in--32-III--Adm-
Code-3517)

A- Wireline-Service-Operations---licenses--specifically
authorizing--use--of--radioactive--material--for
wireline-services,--well-surveys--and--tracer--studies
other--than--field-flooding--tracer--studies:

License-Fee:

\$-47749

B- Field---plood---Studies---licenses---specifically
authorizing--use--of--radioactive--material--for
wireline-services,--well-surveys,--tracer--studies--or
field-flood--tracer--studies:

License-Fee:

\$-97490

103

Industrial-Radiography--(as--defined--in--32-III--Adm--Code
3507)

Industrial--Radiography--at--Permanent--and--Temporary
Jobsites---licenses--specifically--authorizing--use--of
radioactive--material--for--industrial--radiography--at
permanent--or--temporary--jobsites:

License-Fee:

\$127004

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MATERIAL-USE-CATEGORIES

FEE-PAYABLE:
August-17-1994

104

Human-use-of-radioactive-material

A- Type-----A-----Broad-----Scope-----Medical-----and
Teletherapy-----licenses-----{as-----specified-----in-----32-III-
Adm-----Code-----330-270}-----authorizing-----human-----use-----of
radioactive-----material-----including-----research-----and
development-----including-----use-----of-----radioactive-----material
in-----sealed-----sources-----contained-----in-----teletherapy-----devices
for-----human-----use-----of-----radioactive-----material-----and-----for-----the
irradiation-----of-----other-----items:

License-Fee:

\$-97135

B- Teletherapy-----licenses-----for-----possession-----and-----use-----of
radioactive-----material-----as-----sealed-----sources-----contained-----in
teletherapy-----devices-----for-----medical-----use-----of-----radioactive
material-----and-----for-----the-----irradiation-----of-----other-----items:

License-Fee:

\$-67002

C- Medical-Use-----licenses-----for-----human-----use-----of-----radioactive
material-----except-----licenses-----for-----radioactive-----material
in-----sealed-----sources-----contained-----in-----teletherapy-----devices
and-----Type-A-----specific-----license-----of-----broad-----scope:

License-Fee:

\$-47944

D- Diagnostic-----Medical-----Use-----licenses-----restricted-----to
only-----the-----diagnostic-----human-----use-----of-----radioactive
material-----listed-----in-----32-III-Adm-----Code-----335-SUBPART
B-----UPPAKE-----DIAGNOSTIC-----AND-----EXERCITION-----SUBPART
B-----IMAGING-----AND-----LOCALIZATION-----SUBPART-G-----SEALED
SOURCES-----FOR-----DIAGNOSTIC-----and-----in-----vitro-----kits-----except-----as
specified-----in-----32-III-Adm-----Code-----330-220(f):

License-Fee:

\$-37567

E- Limited-Medical-Use-----licenses-----restricted-----to-----only
the-----human-----use-----of-----radioactive-----material-----specified-----in
32-III-Adm-----Code-----335-SUBPART-B-----UPPAKE-----DIAGNOSTIC
AND-----EXERCITION:

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MATERIAL-USE-CATEGORIES

FEE-PAYABLE:
August-17-1994

105

License-Fee:

\$-895

General-Licenses

General-licenses-----{as-----specified-----in-----32-III-Adm-----Code
330-220(f):}

106

License-Fee:

\$-746

Source-Material-----{as-----defined-----in-----32-III-Adm-----Code-----310-20}
and-----Byproduct-Material-----{as-----defined-----in-----32-III-Adm-----Code
332-20}

A- Possession-----and-----Use-----of-----Source-----and-----Byproduct
Material-----licenses-----for-----possession-----and-----use-----of
source-----material-----in-----recovery-----operations-----such-----as
milling-----in-----situ-----teaching-----heap-leaching-----ore
buying-----stations-----ion-----exchange-----facilities-----and-----in
processing-----of-----ores-----containing-----source-----material-----for
extraction-----of-----metals-----other-----than-----uranium-----or-----thorium
including-----licenses-----authorizing-----the-----possession-----of
byproduct-----waste-----material-----{tailings}-----from-----source
material-----recovery-----operations-----as-----well-----as-----licenses
authorizing-----the-----possession-----and-----maintenance-----of-----a
facility-----in-----a-----standby-----mode:

License/Amendment-Fee:

\$25,000-Deposit
+-Pull-Cost

Minor-Amendment-Fee:

\$-360

B- Possession-----and-----use-----of-----source-----material-----licenses
for-----possession-----and-----use-----of-----source-----material-----that
require-----a-----specific-----radioactive-----materials-----license.
This-----does-----not-----include-----licenses-----authorizing
manufacture-----and-----distribution-----of-----source-----material.
This-----does-----not-----include-----specific-----licenses-----authorizing
source-----material-----used-----for-----shielding-----or-----source
material-----authorized-----for-----use-----in-----manufacturing
operations-----as-----described-----in-----Material-Use-----Categories

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MATERIALS-USE-CATEGORIES

PBB-PAYABLE-
August-17-1994

101A-and-B:

License/Amendment-Fee:

\$25,000-Deposit
+-Full-Cost

Minor-Amendment-Fee:

\$-360

±07

Radioactive-Waste

A: Low-Level-----Radioactive-----Waste-----Disposal
Facilities-----licenses-----issued-----pursuant-----to-----32-----Ill.
Adm-----Code-----601-----specifically-----authorizing-----the-----disposal
of-----low-----level-----radioactive-----waste-----away-----from-----the-----point
of-----generation:

License/Amendment-Fee:

\$25,000-Deposit
+-Full-Cost

Minor-Amendment-Fee:

\$-360

B: Low-Level-----Radioactive-----Waste-----Treatment
Facilities-----licenses-----specifically-----authorizing-----the
receipt-----of-----low-----level-----radioactive-----waste-----material
from-----other-----persons-----for-----treatment-----away-----from-----the
point-----of-----generation-----and-----transfer-----to-----a-----person
authorized-----to-----receive-----or-----dispose-----of-----the-----material:

License/Amendment-Fee:

\$25,000-Deposit
+-Full-Cost

Minor-Amendment-Fee:

\$-360

C: Generalized-Low-Level-Radioactive-Waste-Storage
Facilities-----licenses-----specifically-----authorizing-----the
receipt-----of-----low-----level-----radioactive-----waste-----material
from-----other-----persons-----for-----storage-----away-----from-----the-----point
of-----generation-----and-----transfer-----to-----a-----person-----authorized
to-----receive-----or-----dispose-----of-----the-----material:

License/Amendment-Fee:

\$25,000-Deposit
+-Full-Cost

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MATERIALS-USE-CATEGORIES

PBB-PAYABLE-
August-17-1994

Minor-Amendment-Fee:

\$-360

B: Other-----Low-Level-----Radioactive-----Waste-----Licenses
authorizing-----other-----methodologies-----for-----disposal-----of
low-----level-----radioactive-----waste:

License/Amendment-Fee:

\$10,000-Deposit
+-Full-Cost

Minor-Amendment-Fee:

\$-360

±00

Nuclear-Baundries-----Licenses-----for-----commercial-----collection
and-----laundring-----of-----items-----contaminated-----with-----radioactive
material:

License-Fee:

\$-0-±03

±09

Decontamination-Facilities-----Licenses-----that-----authorize
receipt-----of-----items-----contaminated-----with-----radioactive-----material
for-----the-----purpose-----of-----decontaminating-----such-----items:

License/Amendment-Fee:

\$10,000-Deposit
+-Full-Cost

Minor-Amendment-Fee:

\$-360

(Source: Repealed at 22 Ill. Reg.
APR 01 1993)

CS 34 = , effective

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Section 331. APPENDIX E Primary Material Use Categories for Radioactive Material Licensees and Registrants

Fee Category	Primary Material Use Category Description
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MANUFACTURING/DISTRIBUTION

201A. Type A Broad Scope Manufacturing and/or Distribution - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, nuclear pharmacy operations, or manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.

201B. Specific Manufacturing and/or Distribution - licenses for possession and use of greater than one curie (37 GBq) of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.

201C. Nuclear Pharmacy and Limited Manufacturing and/or Distribution - this category of radioactive material licenses addresses two similar types of licenses, either:

nuclear pharmacy licenses for possession, use and distribution of radiopharmaceuticals and sealed sources; or

licenses for possession and use of not more than one curie (37 GBq) of radioactive material for research and development, and processing or manufacturing of radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.

201D. Distribution - licenses authorizing receipt, storage and distribution of radioactive material or items containing radioactive material, not involving processing or manufacturing of radioactive material.

IRRADIATORS

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202A.

Category I Irradiator - licenses for possession and use of radioactive material as sealed sources in a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is not physically possible because of the design of the irradiator.

202B.

Category II, III or IV Irradiator - licenses for possession and use of less than 10,000 curies (370 TBq) of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:

contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;

contained in a storage pool (usually containing water), the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use; or

contained in a storage pool (usually containing water), is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

202C.

Category II, III or IV Irradiator - licenses for possession and use of 10,000 curies (370 TBq) or more of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:

contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;

contained in a storage pool (usually containing water), the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use; or

contained in a storage pool (usually containing water), is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use

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by an entry control system.

RESEARCH AND DEVELOPMENT

203A. Type A Broad Scope Research and Development - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development that do not authorize commercial distribution.

203B. Other Research and Development - licenses for possession and use of radioactive material for research and development that do not authorize commercial distribution.

AGENCY NOTE: The Department will allow the non-commercial distribution of material to other licensees for the purpose of collaborative research and development.

PORTABLE AND FIXED GAUGES

204A. Gas Chromatographs and Fixed X-Ray Fluorescence Analyzers - specific licenses for possession and use of radioactive material in sealed sources for use in gas chromatographs or fixed x-ray fluorescence analyzers.

204B. Portable Gauges and Portable X-Ray Fluorescence Analyzers - specific licenses for possession and use of radioactive material as sealed sources for use in portable gauges or x-ray fluorescence analyzers.

204C. Fixed Gauges - specific licenses for possession and use of radioactive material as sealed sources for use in fixed gauges.

SERVICE

205A. Service - licenses that authorize services for other persons, including, but not limited to, testing of sealed sources for leakage or contamination, instrument calibration and sample analysis, but not including waste disposal transportation or radioactive waste broker services.

205B. Nuclear Laundries - licenses for commercial collection and laundering of items contaminated with radioactive material.

205C. Decontamination Facilities - licenses that authorize receipt of items contaminated with radioactive material for the purpose of decontaminating such items.

WIRELINE (Well-Logging)

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206. Wireline Service Operations (as defined in 32 Ill. Adm. Code 351) - licenses specifically authorizing use of radioactive material for wireline services, well surveys and tracer studies.

INDUSTRIAL RADIOGRAPHY

207. Industrial Radiography (as defined in 32 Ill. Adm. Code 350) - licenses specifically authorizing use of radioactive material for industrial radiography at permanent or temporary jobsites.

MEDICAL/VETERINARY

208A. Type A Broad Scope Medical/Veterinary Use - Type A broad scope licenses (as specified in 32 Ill. Adm. Code 330.270) authorizing diagnostic and/or therapeutic veterinary or human use of radioactive material. These licenses may include research and development, or use of radioactive material in sealed sources contained in teletherapy or high dose rate remote afterloader devices.

208B. Medical/Veterinary Use Including Teletherapy and/or High Dose Rate Remote Afterloader - licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material that include authorization for possession and use of radioactive material as sealed sources contained in teletherapy or high dose rate remote afterloader devices for medical or veterinary use and for the irradiation of other items.

AGENCY NOTE: Possession of a teletherapy unit that is out of service and in storage only does not mean the primary radioactive material use category is the teletherapy category described in 208B. Such licensees should review the other categories to determine their primary radioactive material use category. If this is the only material possessed under a specific license, then see category 212A.

208C. Medical/Veterinary Use - licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material.

208D. Diagnostic Use Only - licenses restricted to only the diagnostic human or veterinary use of radioactive material for uptake, dilution, excretion, imaging or localization studies, sealed sources for diagnosis, and in vitro kits, except as specified in 32 Ill. Adm. Code 330.220(f).

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208E. Limited Medical/Veterinary Use - licenses restricted to only the human or veterinary use of radioactive material for uptake, dilution and excretion studies.

208F. Mobile Nuclear Medicine - licenses authorizing the use of radioactive material for diagnostic or therapeutic human or veterinary use at temporary jobsites.

REGISTRANTS (GENERAL LICENSES)

209A. General Licenses for Kits - radioactive material (as specified in 32 Ill. Adm. Code 330.220(f)) for certain in vitro clinical or laboratory testing.

209B. Facilities with Generally Licensed Devices - facilities registered with the Department to possess or use radioactive material (as specified in 32 Ill. Adm. Code 330.220(b)), except for material contained in devices designed and manufactured for the purpose of producing light, and material in the form of sealed sources used in devices with a maximum activity less than or equal to 37 MBq (1 mCi).

SOURCE MATERIAL

210A. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) and Byproduct Material (as defined in 32 Ill. Adm. Code 332.20) - licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode.

210B. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) - licenses for possession and use of source material that require a specific radioactive materials license. This does not include licenses authorizing manufacture and distribution of source material, nor does it include specific licenses authorizing source material used for shielding or source material authorized for use in manufacturing operations as described in Material Use Categories 201A, B and C of this Section.

WASTE DISPOSAL AND TREATMENT FACILITIES

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211A. Low-Level Radioactive Waste Disposal Facilities - licenses issued pursuant to 32 Ill. Adm. Code 601 specifically authorizing the disposal of low-level radioactive waste away from the point of generation.

211B. Low-Level Radioactive Waste Treatment Facilities - licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for treatment away from the point of generation, and transfer to a person authorized to receive or dispose of the material.

211C. Centralized Low-Level Radioactive Waste Storage Facilities - licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for storage away from the point of generation, and transfer to a person authorized to receive or dispose of the material.

211D. Other Low-Level Radioactive Waste - licenses authorizing other methodologies for disposal of low-level radioactive waste.

OTHER

212A. Storage Only - licenses authorizing storage only of radioactive material for eventual disposal, and does not include facilities described as Centralized Low-Level Radioactive Waste Storage Facilities.

212B. Possession Incident to Exempt Distribution - licenses authorizing possession, receipt, storage and repackaging of byproduct radioactive material for eventual distribution to persons exempt under a specific license issued by the U.S. Nuclear Regulatory Commission.

AGENCY NOTE: The U.S. Nuclear Regulatory Commission maintains sole authority to issue licenses authorizing distribution of exempt quantities of byproduct radioactive material. However, those licenses do not authorize storage of such material at facilities in Illinois, therefore, a separate license must be obtained from the Department for possession of such material.

212C. Other - all other specific radioactive material licenses not specified elsewhere in this Appendix.

212D. Reciprocity for Exhibition and Demonstration Only - licenses authorizing only exhibition or demonstration of devices for a period of not greater than 180 days in any 12-month period.

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212E. Sealed Source and Device Evaluation Maintenance Fee - a fee per active evaluation sheet maintained by the Department.

(Source: Added at 22 Ill. Reg. 6951 - effective
APR 01 1990)

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Section 331 APPENDIX F Fee Schedule for Radioactive Material Licensees and Registrants

Primary Category	Description	Annual Fee	Recovery and Remediation Fee	Remote Site Fee
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MANUFACTURING/DISTRIBUTION

201A.	Type A Broad Scope Manufacturing and/or Distribution	\$6,413	\$300	\$2,772
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201B.	Specific Manufacturing and/or Distribution	\$4,627	\$300	\$2,112
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201C.	Nuclear Pharmacy and Limited Manufacturing and/or Distribution	\$2,178	\$300	\$ 990
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201D.	Distribution	\$1,025	\$300	\$ 283
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IRRADIATORS

202A.	Category I Irradiator	\$ 626	\$300	\$ 145
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202B.	Category II, III, or IV Irradiator (less than 10,000 curies (370 TBq))	\$2,565	\$300	\$1,500
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202C.	Category II, III or IV Irradiator (10,000 curies (370 TBq) or more)	\$4,306	\$300	\$3,800
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RESEARCH AND DEVELOPMENT

203A.	Type A Broad Scope Research and Development	\$3,939	\$300	\$1,980
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203B.	Other Research and Development	\$1,613	\$300	\$ 707
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PORTABLE AND FIXED GAUGES

204A.	Gas Chromatographs	\$ 488	\$300	\$ 161
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DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

204B.	and Fixed X-Ray Fluorescence Analyzers	\$ 523	\$300	\$ 198
204C.	Portable Gauges and Portable X-Ray Fluorescence Analyzers			
204D.	Fixed Gauges	\$ 657	\$300	\$ 198
SERVICE				
205A.	Service	\$1,287	\$300	\$ 309
205B.	Nuclear Laundries	\$3,948	\$300	\$1,386
205C.	Decontamination Facilities (One- Time Deposit of \$10,000)	Full Cost	\$300	N/A
WIRELINE (Well Logging)				
206.	Wireline Service Operations	\$1,148	\$300	\$ 495
INDUSTRIAL RADIOGRAPHY				
207.	Industrial Radiography	\$2,733	\$300	\$1,320
MEDICAL/VETERINARY				
208A.	Type A Broad Scope Medical/Veterinary Use	\$5,529	\$300	\$2,772
208B.	Medical/Veterinary Use Including Teletherapy and/or High Dose Rate Remote Afterloader	\$2,035	\$300	\$ 924
208C.	Medical/Veterinary Use	\$1,189	\$300	\$ 528
208D.	Diagnostic Use	\$ 789	\$300	\$ 339

DEPARTMENT OF NUCLEAR SAFETY

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208E.	Only Limited Medical/ Veterinary Use	\$ 728	\$300	\$ 308
208F.	Mobile Nuclear Medicine	\$1,485	\$300	\$ 594
REGISTRANT GENERAL LICENSES				
209A.	General Licenses for Kits	\$ 100	\$300	N/A
209B.	Facilities with Generally Licensed Devices	\$ 350	\$300	N/A
SOURCE MATERIAL				
210A.	Possession and Use of Source Material and Byproduct Material (One-time Deposit of \$25,000)	Full Cost	\$300	N/A
210B.	Possession and Use of Source Material (One-time Deposit of \$25,000)	Full Cost	\$300	N/A
WASTE DISPOSAL AND TREATMENT FACILITIES				
211A.	Low-Level Radio- active Waste Disposal Facilities (One-time Deposit of \$25,000)	Full Cost	\$300	N/A
211B.	Low-Level Radio- active Waste Treatment Facilities (One-time Deposit of \$25,000)	Full Cost	\$300	N/A
211C.	Centralized Low-Level Radioactive Waste Storage Facilities (One-time Deposit of \$25,000)	Full Cost	\$300	N/A

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

211D.	Other Low-Level Radioactive Waste (One-time Deposit of \$25,000)	Full Cost	\$300	N/A
OTHER				
212A.	Storage Only	\$ 475	\$300	\$ 176
212B.	Possession Incident to Exempt Distribution	\$ 723	\$300	\$ 264
212C.	Other (uses not specified elsewhere in this schedule)	\$ 613	\$300	\$ 220
212D.	Reciprocity for Exhibition and Demonstration Only	\$ 150	N/A	N/A
212E.	Sealed Source and Device Evaluation Maintenance Fee	\$ 200	N/A	N/A
(Source: Added at 22 Ill. Reg. 651, effective APR 01 1998)				

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1285
- 3) Section Numbers: Adopted Action:
1285.215 Amendment
- 4) Statutory Authority: Medical Practice Act of 1987 [225 ILCS 60]
- 5) Effective Date of Amendments: April 6, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 6, 1998
- 9) Date Notice of Proposal Published in Illinois Register: December 1, 1997,
at 21 Ill. Reg. 15088.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: It now defines "inherent defect" and sets forth additional information that the Department shall provide to complainants upon receipt of an initial claim.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? Yes, at 22 Ill. Reg. 3706,
February 20, 1998.
- 15) Summary and Purpose of Amendments: Currently, the Department is required to open a case against a licensee upon receipt of a claim, regardless of the merits or whether or not the claim is even a violation of the Medical Practice Act. By defining "initial claim" and further defining "complaint", this rulemaking is designed to give the Department's Enforcement Division greater flexibility to recommend closing cases lacking merit.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0813
 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285

MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL
 AND RESTORATION PROCEDURE

Section

1285.20 Six (6) Year Post-Secondary Programs of Medical Education
 1285.30 Programs of Chiropractic Education
 1285.40 Approved Postgraduate Training Programs
 1285.50 Application for Examination
 1285.60 Examinations
 1285.70 Application for a License on the Basis of Examination
 1285.80 Licensure by Endorsement
 1285.90 Temporary Licenses
 1285.91 Visiting Resident Permits
 1285.95 Clinical Skills Standards for Applicants Having Graduated More Than
 1285.100 Five (5) Years Prior to Application
 1285.101 Visiting Professor Permits
 1285.105 Visiting Physician Permits
 1285.110 Chiropractic Physician Preceptorship
 1285.120 Continuing Medical Education (CME)
 1285.120 Renewals
 1285.130 Restoration and Inactive Status
 1285.140 Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section

1285.200 Medical Disciplinary Board
 1285.205 Complaint Committee
 1285.210 The Medical Coordinator
 1285.215 Complaint Handling Procedure
 1285.220 Informal Conferences
 1285.225 Consent Orders
 1285.230 Summary Suspension
 1285.235 Mandatory Reporting of Impaired Physicians by Health Care
 1285.240 Institutions
 1285.240 Standards
 1285.245 Advertising
 1285.250 Monitoring of Probation and Other Discipline and Notification
 1285.255 Rehabilitation
 1285.260 Fines
 1285.265 Subpoena Process of Medical and Hospital Records

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

determines that he/she has a conflict of interest or prejudice which would prevent him/her from being fair and impartial.

- 2) Participation in the initial stages of the handling of a complaint including participation on the Complaint Committee and in informal conferences shall not bar a Disciplinary Board member from future board participation or decision making relating to that complaint.

(Source: Amended at 22 Ill. Reg. 6585, effective APR 06 1998)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 101
- 3) Section Numbers: Adopted Action:
101.20 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: April 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 1, 1998
- 9) Notice of Proposal Published in Illinois Register: January 2, 1998 (22 Ill. Reg. 120)
- 10) Has JCAR issued a Statement of Objection to these Adopted Amendments? No
- 11) Differences between proposal and final version:

The following changes have been made in the text of the proposed rulemaking.

The definition, "Child and Family Assistance Case.", has been stricken.

A new definition has been added, after the definition for "Expedited Service.", as follows:

"Family and Children Assistance Case." A General Assistance case in which case eligibility is based on the presence of an eligible child.

In the definition for "MANG (C).", "eligibility" has been changed to "eligibility".

In the definition for "Migrant Worker.", "horticultural" has been changed to "horticultural".

In the definition for "Skilled Nursing Facility (SNF).", "reoccurrences" has been changed to "reoccurrences".

In the definition for "Utilization Control.", "DMHDD" has been changed to "DHS".

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments make changes to some of the Department's definitions in Section 101.20. Several changes are being made in recognition of the new Department of Human Services and other aspects of State agency reorganization. The changes also include a new definition to provide a generic reference for the Department's medical eligibility card. The definition for "Medical Card" is intended as a broad term regarding a means of identification to verify an individual's eligibility for medical assistance. This definition is being added to the Department's rules in anticipation of the transition away from use of the Medicaid card and implementation of the LINK card. The new Link card will eventually be used by clients to access an array of services including care under the medical assistance program.

Companion amendments are being adopted at 89 Ill. Adm. Code 120 and 140.

These amendments to Section 101.20 are not expected to result in any additional Department expenditures.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, IL 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 101

GENERAL ADMINISTRATIVE PROVISIONS

Section	Incorporation By Reference
101.1	Applicability
101.10	Definitions
101.20	Assistance Programs
101.30	Assistance Program Restrictions
101.40	

AUTHORITY: Implementing Articles I and II and authorized by Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/Arts. I and II and 12-13).

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 5, p. 194, effective January 23, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 19, p. 108, effective May 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 25, p. 50, effective June 24, 1978; amended at 2 Ill. Reg. 33, p. 27, effective August 17, 1978; amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; emergency amendment at 4 Ill. Reg. 1, p. 78, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 23, p. 80, effective May 23, 1980; amended at 5 Ill. Reg. 1369, effective January 29, 1981; peremptory amendments at 5 Ill. Reg. 10072, 10076 and 10079, effective October 1, 1981; amended at 5 Ill. Reg. 12728, effective November 1, 1981; codified at 7 Ill. Reg. 5195; amended at 13 Ill. Reg. 3897, effective March 17, 1989; emergency amendment at 19 Ill. Reg. 10220, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15676, effective November 3, 1995; emergency amendment at 21 Ill. Reg. 8638, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13619, effective October 1, 1997; amended at 22 Ill. Reg. 6991, effective

APR 01 1998

Section 101.20 Definitions

"AABD." Aid to the Aged, Blind or Disabled--financial assistance and medical assistance available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration.

"Adequate Consideration." The receipt of goods, monies or services at least in the amount of the fair market value of the property sold.

"Adult Cases." A case in which no child is included in the assistance unit.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

"Adverse Action." Any action which reduces food stamp benefits or terminates participation in the food stamp program within a certification period.

"AFDC." Aid to Families with Dependent Children--financial assistance and medical assistance available to families with one or more dependent children or in behalf of dependent children placed in foster care by the Department of Children and Family Services (DCFS).

AFDC-F: Medical Assistance for an eligible child under DCFS guardianship.

"Agency Error." An action or inaction of the Department resulting in assistance benefits being furnished to or in behalf of a client for which the client is not eligible.

"Applicant." An individual requesting assistance by completion of a signed, written application form or a person in whose behalf a signed written application form is completed requesting assistance.

"Application." A request for assistance by means of a completed, signed designated form. For food stamp purposes, only a name, address and signature are needed on the form.

"Assistance Unit." The individual or individuals living together for whom the Department determines eligibility and, if eligible, provides financial and/or medical assistance as one unit.

"Caretaker Relative." A relative, as specified below, with whom a child must live to be eligible for TANF and who is providing care, supervision and a home for the child.

Blood or adoptive relatives within the fifth degree of kinship:

Father - Mother
 Brother - Sister
 Grandmother - Grandfather (including up to
 great-great-great)
 Uncle - Aunt (including up to great-great)
 Nephew - Niece (including up to great-great)
 First Cousin
 First Cousin once removed (child of first cousin)
 Second Cousin (child of great-aunt/uncle)

Step-Relatives:

Step-Father - Step-Mother
 Step-Brother - Step-Sister

Person who is or has been married to one of the above relatives.

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"Categorical Assistance Programs." TANF, AABD and related MANG programs.

"Categorically Eligible." The meeting of all eligibility requirements for a categorical assistance program other than financial needs.

"Certification for For Food Stamps." Authorization of eligibility of a household for the food stamp program.

"Certification Period." The period of time for which a household is authorized to participate in the food stamp program.

"Certifying Office." The IDPA local office or General Assistance unit office responsible for certification of food stamp program participants.

~~"Child-and-Family-Assistance-Case."--A-General-Assistance-case--in which-case--eligibility--is--based-on-pregnancy-or-the-presence-of-an eligible-child.~~

"Client." The adult in the family or unit applying for assistance or receiving assistance on behalf of the family.

"Client Error." A client's mistake, misunderstanding, misrepresentation or concealment of information or failure to report information promptly which results in financial and/or medical assistance being paid to or in behalf of a recipient for which the recipient is not eligible.

"Correspondent." A specific individual who has been legally designated to handle the affairs of another individual, that is, parents, court appointed guardian or conservator.

"Coupon Allotment." The total dollar value of the food stamp coupons that a household is authorized to receive.

"DCFS." Illinois Department of Children and Family Services.

"Department." The Illinois Department of Public Aid.

"Dependent Child." A child age 18 or under who is living with a relative. If age 18, the child must be a full-time high school (or equivalent) student.

"DHS." Illinois Department of Human Services.

"Disbursing Order." An invoice voucher form given to a client authorizing a vendor to provide specified goods and/or services.

DEPARTMENT OF PUBLIC AID

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"Disposition of an Application." The determination of eligibility or ineligibility.

"Diverted Income." Earned or unearned income of a parent used to meet the needs of ineligible person or persons, including the parent, their dependent child or children or their spouse.

"DMHDD." Formerly Illinois Department of Mental Health and Developmental Disabilities. Now part of DHS.

"DOC." Illinois Department of Corrections.

"DOL." Illinois Department of Labor.

"DORS." Formerly Illinois Department of Rehabilitation Services. Now part of DHS.

"Earmarked Income." Income restricted for the use of an individual by court order or by legal stipulation of a contributor. Only income of a child may be considered earmarked for Departmental purposes. The income of an eligible child who has siblings in the home receiving TANF financial assistance cannot be earmarked.

"Earned Income." Remuneration derived through the receipt of wages or salary for services performed as an employee or profits from activity in which the individual is self-employed.

"Effective Date." The date for which case action is authorized.

"Enrolled MANG Participant." Person or unit meeting the nonfinancial factors of eligibility.

"Established Twelve-Month Period." The period of 12 calendar months over which income is compared to the applicable MANG standard.

"Expedited Issuance." Authorization of food stamp benefits after the household has been determined to be destitute or to have zero net income.

"Expedited Service." An immediate processing of a food stamp application and determination of eligibility for expedited issuance.

"Family and Children Assistance Case." A General Assistance case in which case eligibility is based on the presence of an eligible child.

"FCS." The Food and Consumer Service of the United States Department of Agriculture.

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"Final Administrative Decision." A decision made by the Department as a result of an appeal. It either upholds or reverses the appealed action or determines a lack of jurisdiction.

"Financial Assistance." Public Assistance paid in the form of a cash benefit to a recipient for income maintenance needs. Medical assistance and food stamp benefits are not considered financial assistance.

"Financial Factors of Eligibility." Income, assets and Department levels of assistance.

"Financially Eligible." The meeting of all financial factors of eligibility.

"Fiscal Month." Begins on a given day in one calendar month and ends on the day prior to the same given day in the next calendar month.

"Food Coupons." Same as food stamps.

"Food Stamp Benefits." The cash value of benefits which a food stamp unit receives from the program.

"Food Stamp Employment and Training." Employment and training program for food stamp recipients.

"Food Stamp Household or Unit." For purposes of the food stamp program, a household or unit is defined as any of the following:

An individual living alone;

An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others;

A group of individuals who live together and customarily purchase food and prepare meals together for home consumption or who, because of their relationship, are required to qualify for food stamps as a unit.

"Full-Time Employment." Employment of 30 hours per week or more.

"GA." General Assistance -- financial and medical assistance available to eligible needy families or individuals who are ineligible to receive assistance through a categorical assistance program.

"GA Community Work and Training Program." A program, applicable to GA outside the City of Chicago only, designed to increase employability

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of General Assistance recipients through constructive work experience, adult education, vocational training and gainful employment.

"Grant." The total amount of a monthly financial assistance payment.

"Grant Cases." Public assistance cases authorized for financial assistance payments to the recipient.

"Head of Household." The person in whose name application is made for participation in the food stamp program. This person is normally the individual who is the household's primary source of income.

"Health Maintenance Organization (HMO)." Licensed by the Illinois Department of Insurance as a non-profit incorporated agency whose purpose is to provide preventive health care and medical services.

"Healthy Kids." Early and periodic screening, diagnosis and treatment services provided to children from birth through 20 years of age.

"Hearing." The actual presentation and consideration of the issue under appeal before a hearing officer of the Department.

"HIB." Hospital Insurance Benefits provided by Title XVIII of the Social Security Act (Medicare) (42 U.S.C. 1395 et seq.).

"Initial prorated Entitlement (IPE)." Financial Assistance to cover the period from the initial point of eligibility (application for assistance or initial needs of a person being added to the assistance unit) through two days after the mailing date of the first regular monthly assistance warrant.

"In-Kind Income." Income received by or paid in behalf of an individual in a form other than money.

"Interim Assistance."--Assistance furnished to--or--in--behalf--of--an individual--financed--totally--from--State--and/or--local--funds--for--basic maintenance--needs--and--furnished--during--the--period--beginning--with--the month--in--which--the--individual--filed--an--application--for--Supplemental Security--Income--(SSI)--and--for--which--such--individual--was--found eligible--

"Intermediate Care Facility (ICF)." Provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long term illnesses or disabilities which may have reached a relatively stable plateau.

"Intermediate Care Facility for the Mentally Retarded

DEPARTMENT OF PUBLIC AID

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(ICF/MR)." Provides primarily for ambulatory adults with developmental disabilities and addresses itself to the needs of mentally retarded and/or with related conditions. Such facilities are for residents who have physical, intellectual, social and emotional needs.

"JTPA." Job Training Partnership Act.

"Local Governmental Unit." Every county, city, village, incorporated town or township charged with the duty of providing public aid under General Assistance and County Veterans Assistance Commissions providing assistance to indigent war veterans and their families.

"Local Office." Department of Public Aid offices which serve clients living within a designated geographical area.

"Lump-Sum Payment." An extraordinary or non-recurring income payment received by a client.

"MAG." Medical Assistance Grant cases -- medical assistance paid on behalf of a recipient of financial assistance.

"MANG." Medical Assistance No Grant cases -- medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance.

"MANG(AABD)." Medical assistance available to individuals who have sufficient income and assets to meet all maintenance needs other than medical care and who are receiving Supplemental Security Income benefits or who are determined to be aged, blind or disabled by the Department of Public Aid.

"MANG(C)." Medical Assistance to Needy Families with Children -- available to families with one or more children who would qualify for TANF on the basis of non-financial eligibility factors but have sufficient income and assets to meet all maintenance needs other than medical care.

"Medicaid." Medical assistance issued by the Department under provisions of Title XIX of the Social Security Act (42 U.S.C. 1396); MAG and MANG.

"Medical Assistance." Medicaid.

"Medical Card." A means of identification used to verify an individual's eligibility for medical assistance.

"Medicare." Payment for medical care under the provisions of Title

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XVIII of the Social Security Act.

"Medicare:-----Early-and--periodic--screening--diagnosis-and-treatment services-provided-to-children-from-birth-through-30-years-of-age-

"MediPlan-Card:-----A document-which-identifies-individuals-for-whom-the Department-will-pay-for-essential-medical-services-and-supplies-

"Migrant Worker." Any person residing temporarily in and employed in Illinois who moves seasonally from one place to another for the purpose of employment in agricultural activities, including the planting, raising or harvesting of any agricultural or horticultural commodities and the handling, packing or processing of such commodities on the farm where produced or at the point of first processing.

"OASDI." Old Age, Survivors, and Disability Insurance -- often termed "Social Security".

"OJT." On the Job Training programs sponsored through the TANF or AFDC JOBS Program, Food Stamp Employment and Training Program or JTPA.

"Participant." A person taking part in the food stamp program or a Departmental employment and training program.

"Prepaid Health Plan." An organized system of health care responsible for providing or assuring the delivery of comprehensive health maintenance and treatment services to a voluntarily enrolled population.

"Recipient." An individual who receives benefits under an assistance program.

"Skilled Nursing Facility (SNF)." A group care facility licensed by the Illinois Department of Public Health which provides skilled nursing care, continuous skilled nursing observations, restorative nursing and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during reoccurrences of symptoms in long-term illness.

"Skilled Nursing Facility for Per Pediatrics (SNF/PED)." A group care facility licensed by the Illinois Department of Public Health which provides nursing care and rehabilitative and/or rehabilitative care to children under eighteen years of age. Such facilities are for residents primarily diagnosed mentally retarded or having related conditions.

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"SMIB." Supplementary Medical Insurance Benefits -- coverage provided under Title XVIII of the Social Security Act for medical services other than hospitalization.

"Specified Relative." Same as caretaker relative.

"Spendedown." The amount by which a client's nonexempt income during the eligibility period exceeds the MANG income and asset standards.

"SSA." The Social Security Administration -- of the Department of Health and Human Services.

"SSI." Supplemental Security Income -- a program administered by the Social Security Administration providing monthly aid to Aged, Blind and Disabled individuals.

"Student." An individual who is enrolled at least half time (as defined by the institution) in any grade school, high school, vocational school, technical school, training program or institution of higher education. Enrollment in a mail, self-study or correspondence course does not meet the definition of a student.

"Supervision." Exercising of responsibility for the child's welfare by the caretaker.

"TANF." Temporary Assistance for Needy Families. Financial and medical assistance available to families with one or more dependent children.

"Temporary Caretaker." Another individual temporarily acting as a caretaker (not included in the assistance unit) when no specified relative is available.

"UI." Unemployment Insurance Benefits.

"Unearned Income." All income other than earned income.

"Utilization Control." Evaluation and review by the Department of a recipient's need for care facility, and certification of a patient's need for care by physicians, DHS BMHBS staff and Department of Public Health.

"Vendor Payment." Direct payment to vendors for items or services provided to clients.

"Work and Basic Skills Training Program." The Department's employment and training program for TANF recipients.

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"Work Experience." A Department program which provides experience in a job.

(Source: Amended at 22 Ill. Reg. 6991, effective APR 01 1998)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Adopted Action:
 - 120.60 Amendment
 - 120.80 Amendment
 - 120.384 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: April 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 1, 1998
- 9) Notice of Proposal Published in Illinois Register: January 2, 1998 (22 Ill. Reg. 132)
- 10) Has JCARE issued a Statement of Objection to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following change has been made in the text of the proposed rulemaking.

Section 120.60

In the Section title, "Children Born October 1, 1983, or Later" has been changed to "Children Under Age 19".

In the introductory paragraph, "children born October 1, 1983, or later" has been changed to "children under age 19".

Section 120.80

In the first sentence of subsection (g)(2)(A), "medial" has been changed to "medical".
- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No

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14) Are there any amendments pending on this Part? Yes

The full text of the Adopted Amendments begins on the next page:

Sections	Proposed Action	Illinois Register Citation
120.11	Amendment	January 9, 1998 (22 Ill. Reg. 1103)
120.31	Amendment	January 9, 1998 (22 Ill. Reg. 1103)
120.64	Amendment	January 9, 1998 (22 Ill. Reg. 1103)
120.73	Amendment	January 9, 1998 (22 Ill. Reg. 1103)
120.75	Amendment	January 9, 1998 (22 Ill. Reg. 1103)
120.380	Amendment	January 9, 1998 (22 Ill. Reg. 1103)
120.381	Amendment	January 9, 1998 (22 Ill. Reg. 1103)

15) **Summary and Purpose of Amendments:** These amendments regarding the Department's medical assistance programs provide necessary changes concerning State agency reorganization and the new LINK card that will be used by clients to access services.

Several changes to Section 120.60 are being made in recognition of the new Department of Human Services and other aspects of State agency reorganization affecting the former Departments of Mental Health and Developmental Disabilities and Rehabilitation Services.

Other changes to Sections 120.60, 120.80 and 120.384 are being made in anticipation of the LINK card, which will eventually be used by clients to access an array of services including care under the medical assistance program. After a transition period, during which clients will be able to use both the Mediplan and the LINK cards, public assistance recipients will use only the LINK card. This new card, which will be made of plastic, will provide for computerized access to information and services.

Additionally, changes throughout these rules eliminate outdated material and provide alignment with current practices.

Companion amendments are being adopted at 89 Ill. Adm. Code 101 and 140.

These amendments are not expected to result in any additional Department expenditures.

16) **Information and questions regarding these Adopted Amendments shall be directed to:**

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

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120.63

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TABLE A Value of a Life Estate and Remainder Interest

TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill.

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Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill.

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Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17836, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1,

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1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5069, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003 effective APR 01 1998.

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DHS BMHBP Facilities, DHS BMHBP Approved Community Based Settings and Pregnant Women and Children Under Age 19 Born October 17, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

The following subsections apply to all cases other than those receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Care Facilities, Department of Human Services (DHS) Department of Mental Health and Developmental Disabilities (BMHBP) Facilities, or DHS BMHBP approved community based residential settings under 89 Ill. Adm. Code 140.643 or pregnant women and children under age 19 born October 17, 1983, or later who do not qualify:

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mandatory categorically needy.

a) The eligibility period for MANG (AABB)-and-MANG(e) is one month. The eligibility period shall begin with:

- 1) the first day of the month of application;
- 2) the first day of any month, prior to the month of application, in which the client meets non-financial eligibility requirements up to three months prior to the month of application, if the client so desires; or
- 3) the first day of a month, after the month of application, in which the client meets non-financial eligibility requirements.

b) Eligibility Without Spend-down for MANG (AABB)-and-MANG(e)

- 1) If the client's nonexempt income available during the eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30) and nonexempt assets are not in excess of the applicable asset disregard (Section 120.382), the client is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.
- 2) The client is responsible for reporting any changes that occur during the eligibility period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance. If changes in income, assets or family composition occur which would make the client a spend-down case, a spend-down obligation will be determined and the subsections in (c) of this Section will apply.
- 3) A redetermination of eligibility will be made every 12 months.

c) Eligibility with Spend-down for MANG (AABB)-and-MANG(e)

- 1) If the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG standard and/or nonexempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spend-down obligation is the sum of the amount by which the client's nonexempt income exceeds the MANG standard and the amount of nonexempt assets in excess of the applicable asset disregard.
- 2) The client meets the spend-down obligation by incurring or paying for medical expenses in an amount equal to the spend-down obligation.
 - A) Medical expenses shall be applied to the spend-down obligation in the following order:
 - i) Charges for DHS BERS Home Services and/or BMHBP Community Based Services. These charges are considered incurred the first day of the month, regardless of the day the services are actually provided.
 - ii) Payments made for medical expenses within the previous six months. Payments are considered incurred the

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first day of the month of payment.

- iii) Unpaid medical expenses. These are considered as of the date of service and are applied in chronological order.
- B) If multiple medical expenses are incurred on the same day, the expenses shall be applied in the following order:
 - i) Health insurance deductibles (including Medicare and other co-insurance charges).
 - ii) All copayment charges incurred or paid on spend-down met day.
 - iii) Expenses for medical services and/or items not covered by the Department's Medical Assistance Program.
 - iv) Cost share amounts incurred for in-home care services by individuals receiving services through the Department on Aging (DOA).
 - v) Expenses incurred for in-home care services by individuals receiving or purchasing services from private providers.
 - vi) Expenses incurred for medical services or items covered by the Department's Medical Assistance Program. If more than one covered service is received on the day, the charges will be considered in order of amount. The bill for the smallest amount will be considered first.
- C) If a service is provided during the eligibility period but payment may be made by a third party, such as an insurance company, the medical expense will not be considered towards spend-down until the bill is adjudicated. When adjudicated, that part determined to be the responsibility of the client shall be considered as incurred on the date of service.
- 3) After application for medical assistance for cases eligible with a spend-down obligation who do not have a QMB or MANG(P) member, an additional eligibility determination will be made.
 - A) If countable income is greater than the QMB income standard (Section 120.74) or countable assets are greater than the QMB asset disregard (Section 120.382(d)), the case will not be enrolled in spend-down unless:
 - i) the case does not have a spend-down obligation for any month of the twelve-month enrollment period;
 - ii) medical expenses equal the spend-down obligation for at least one month of the twelve-month enrollment period; or
 - iii) the person is on a waiting list or would be on a waiting list to receive a transplant if he or she had a source of payment.
 - B) Cases which meet any of these conditions will be notified, in writing, of the spend-down obligation. The client will also be notified that his or her case will be reviewed

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beginning in the sixth month of the twelve-month enrollment period. If the client has not had medical eligibility in one of the last three months at the time of review (including the month of review), the case will terminate unless the case contains a person who is on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment. A new application will be required if the client wishes continued medical assistance.

- C) When proof of incurred medical expenses equal to the spend-down obligation is provided to the local office, eligibility for medical assistance shall begin effective the first day that the spend-down obligation is met. The Department will pay for covered services received from that date until the end of the eligibility period. The client shall be responsible, directly to the provider, for payment for services provided prior to the time the client meets the spend-down obligation.
- 4) Cases with a spend-down obligation which do not have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will be reviewed beginning in the sixth month of enrollment to determine if they have had medical eligibility within the last three months, including the month of review. If so, enrollment will continue. If not, enrollment will be terminated and the client will be advised that if he or she wishes continued medical assistance, a reapplication must be filed. Upon reapplication, a new twelve-month enrollment period will be established (assuming non-financial factors of eligibility are met). If appropriate, a new spend-down obligation will be created.
 - A) If the client files a reapplication prior to four months after the end of the period of enrollment, the client will be sent through a special abbreviated intake procedure making use of current case record material to verify factors of eligibility not subject to change.
 - B) Cases that remain eligible in the tenth month of the enrollment period or which have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will remain enrolled and will be redetermined once every 12 months.
- 5) The client is responsible for reporting any changes that occur during the enrollment period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department including termination of eligibility for medical assistance.
- 6) If changes in income, assets or family composition occur,

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appropriate adjustments to the spend-down obligation and date of eligibility for medical assistance shall be made by the Department. The client will be notified, in writing, of the new spend-down obligation.

A) If income decreases or assets fall below the applicable asset disregard and, as a result, the client has already met the new spend-down obligation, eligibility for medical assistance shall be back-dated to the appropriate date.

B) If income or assets increase and, as a result, the client has not produced proof of incurred medical expenses equal to the new spend-down obligation, the written notification of the new spend-down amount will also inform the client that he--or--she--will--no--longer--receive--a--Medicaid--card--and eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spend-down obligation is produced.

(Source: Amended at 22 Ill. Reg. 7003, effective APR 01 1993)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section 120.80 Recipient Restriction Program

a) The Recipient Restriction Program (RRP) shall identify recipients who unnecessarily utilize medical services. When the Department determines, on the basis of statistical norms and the medical judgment of physicians and/or pharmacologists, that a Medicaid recipient has received medical services that are not medically necessary based on the recipient's diagnoses and/or medical conditions or conditions or in such a manner as to constitute an abuse of medical privileges, the decision to restrict a recipient to a Primary Care Provider and/or Primary Care Pharmacy will be made. RRP applies to all medical assistance programs administered by the Department.

b) Primary and Secondary Sources of Recipient Identification

- 1) The primary source of recipient identification shall be the Surveillance and Utilization Review Subsystem (SURS) of the Medicaid Management Information System (MMIS). On a quarterly basis, SURS analyzes the entire Medicaid population, determines medical usage per recipient and will identify recipients with usages in excess of the quarterly established norm of recipients in the same category of assistance and like demographic areas.
- 2) Secondary sources of identification shall be incoming referrals, such as referrals from medical providers, law enforcement officials or members of the general public. All referrals shall be reviewed and analyzed. Recipients found to have loaned or altered their medical cards for the purpose of obtaining medical benefits for which they or other persons are not legitimately

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entitled; falsely represented medical coverage; found in possession of blank or forged prescription pads; or who knowingly assisted providers in rendering excessive services or defrauding the Medical Assistance Program shall be restricted.

c) Once a recipient is identified, medical usage based on diagnoses and/or medical condition for the nine months preceding identification shall be reviewed. Medical Assistance Consultants, licensed physicians and/or pharmacologists will determine if the recipient should be restricted due to the medical services received being not medically necessary. The Department shall initially designate, without regard to choice, a Primary Care Provider and/or Primary Care Pharmacy or Health Maintenance Organization (HMO). The Department's designation shall remain in effect for the entire period of the restriction unless the recipient changes this designation pursuant to subsection (f) of this Section. Each recipient to be restricted will be notified in writing. This notice will also contain a statement relating to the medical necessity of services consistent with the findings of the professional consultants; a statement advising the recipient of his or her right to appeal; and a toll-free number to call for information.

d) Department Designated Primary Care Provider and/or Primary Care Pharmacy or HMO

1) The Department will select one provider and/or one pharmacy or HMO in reasonable geographical proximity to the recipient's home to serve as the recipient's Primary Care Provider and/or Primary Care Pharmacy or HMO.

2) The primary care physician shall be a medical doctor or doctor of osteopathy, licensed to practice medicine in all its branches, or a clinic enrolled to provide primary care; a properly registered Medicaid provider in good standing with the Department per the physician registration; enrolled to provide physician services with the Department; and willing to serve as the primary care provider.

e) Types of Services Provided or Authorized

1) Once restricted, the Recipient Medicaid Eligibility Verification (REV) system shall display information regarding the Primary Care Provider and/or Primary Care Pharmacy or HMO. REV will also display information that emergency services will not be restricted. Card shall display the program restriction--code--and the name--of--the--Primary--Care--Provider--and/or--Primary--Care Pharmacy--or--HMO--on--the--front--of--the--card--with--the--name--of--the--restricted--recipient--the--card--will--also--contain--a--notice--that--emergency--services--will--not--be--restricted. If restricted to a Primary Care Provider, the Primary Care Provider must provide or authorize the following non-emergency ambulatory care services for the restricted recipient before the Department will render payment for the services:

A) Clinic

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- B) Laboratory
C) Outpatient Hospital
D) Pharmacy
E) Physician
- 2) The Primary Care Pharmacy or HMO must supply all prescriptions. Authorization to obtain non-emergency prescriptions from any other source will only be approved in such instances when a specific item is not part of the Primary Care Pharmacy's or HMO's inventory and cannot be acquired through the Primary Care Pharmacy or HMO.
- 3) Other covered services may be provided by a qualified provider in the Department's Medical Program.
- f) Changing the Designated Primary Care Provider and/or Primary Care Pharmacy or HMO
- 1) The recipient may change the Department's initial designation of a Primary Care Provider, Primary Care Pharmacy or Health Maintenance Organization once without cause. The request for change must be submitted to the Department in writing. The Department, by notice, shall inform the recipient how to request a change in the Primary Care Provider, Primary Care Pharmacy or HMO.
- 2) The recipient may change his or her designated provider for cause if one of the following circumstances is verified:
- A) Change of recipient's residence from the geographic area of the Primary Care Provider, Primary Care Pharmacy or HMO;
B) Change in the recipient's medical condition which the Primary Care Provider is unable to treat or refer to another provider;
C) Death of the Primary Care Provider;
D) Disenrollment of the Primary Care Provider and/or Primary Care Pharmacy or HMO from the Medical Assistance Program; and
E) Notice from the Primary Care Provider and/or Primary Care Pharmacy or HMO that they will no longer serve as the Primary Care Provider.
- 3) The Department will notify the recipient in writing if the Primary Care Provider and/or Primary Care Pharmacy or HMO has disenrolled as a provider of Medicaid services or if the provider notifies the Department of their unwillingness to continue to serve as the recipient's Primary Care Provider.
- 4) Changes in designated Primary Care Provider and/or Primary Care Pharmacy or HMO shall be processed effective with the earliest possible date reflected on the eligibility file ~~next-regular issuance-of-the-Medicaid-Eligibility-Card--A-temporary-medical card-will-be-issued-if-necessary.~~
- 5) For the provider, pharmacy or HMO, the Department will determine if the requested change meets the criteria in subsection (d) of this Section.

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- g) Length of Restriction
- 1) Once recipients are restricted they remain in restriction for a minimum of four full quarters. If restricted recipients transfer to a different assistance unit, the restriction will be processed to follow the recipient. If a restricted recipient becomes inactive and is subsequently reactivated, the restriction will be reactivated until such time as four full quarters have elapsed.
- 2) Reevaluation of the Recipient's Medical Usage
- A) When a recipient has had his or her medical card restricted for four full quarters, the Department shall reevaluate the recipient's medical usage to determine whether the recipient continues to receive medical services that are not medically necessary. The Department shall evaluate each case not later than eighteen months after the effective date of restriction. If the recipient is still receiving medical services that are not medically necessary, the restriction shall be continued for an additional period of eight full quarters. This additional period of eight full quarters shall begin with the first month immediately following the end of the first four full quarter restriction period. If the recipient no longer is receiving medical services that are not medically necessary, the restriction shall be discontinued. A "quarter", for purposes of this Section, shall be defined as one of the following three-month periods of time: January-March, April-June, July-September or October-December.
- B) If necessary to determine if medical services that are not medically necessary are still being received, the Department shall obtain a complete copy of the recipient's medical record from the Primary Care Provider. The medical record will be reviewed by the Medical Assistant Consultant with a final determination by a licensed physician and/or pharmacologist to determine if the medical services received were medically necessary.
- C) If the decision is to release the recipient from restriction, such release will be processed effective with the earliest possible date reflected on the eligibility file ~~next-regular issuance-of-the-Medicaid-Eligibility-Card--so that-the-card-no-longer-displays-a-program-restriction-code or-a-provider's-and/or-pharmacy's-or-HMO's-name-for-the-recipient.~~
- D) If the services are determined to be medically unnecessary, the recipient will be notified in writing of the continued restriction. The Department may designate a different Primary Care Physician, Primary Care Pharmacy or Health Maintenance Organization. The criteria in subsection (d) of this Section shall apply. This notice will also contain a statement relating to the medical necessity of services

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consistent with the findings of the professional consultants; a statement advising the recipient of his or her right to appeal; and a toll-free number to call for information.

- 3) If the restriction is continued, a review will be conducted in accordance with subsection (g)(2) of this Section, subsequent to the additional eight quarter period.
- 4) A recipient who has been restricted under this Section, is released and then is restricted under this Section a subsequent time, shall be restricted for a period of eight full quarters. Subsequent to this eight quarter period, a review will be conducted in accordance with subsection (g)(2) of this Section.
- h) Recipients have the right to appeal inclusion in the program. (See 89 Ill. Adm. Code 102.80 thru 102.84.)

(Source: Amended at 22 Ill. Reg. 7003, effective APR 01 1998)

SUBPART H: MEDICAL ASSISTANCE-NO GRANT

Section 120.384 Spend-down of Assets (MANG)

a) Determination of Assets

1) For individuals residing in the community the Department determines the amount of non-exempt assets using the verified amount on the date of decision on the application for medical assistance. The date of verification may be prior to the date of decision. Money considered as income for a month is not considered as an asset for that same month. If income for a month is added to a bank account that month, the Department will subtract the amount of income from the bank balance to determine the asset level. Any income remaining the following month(s) is considered as an asset.

2) The amount of non-exempt assets verified during the application process is used on the date of decision. If medical eligibility includes a backdated month(s), for the backdated month(s), the Department will consider the amount of assets available to apply to the cost of medical care. The Department will not determine the value of assets for a backdated month(s) of eligibility. However, the amount of the excess assets verified during the application process is used to determine spend-down status in each backdated month of eligibility.

3) Once the excess asset has been used to meet spend-down, whether or not the excess amount has actually been reduced, it is no longer considered. However, at reapplication/redetermination, the Department will consider any excess non-exempt assets remaining as currently available.

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b) Community Cases (MANG)

To determine the spend-down obligation for MANG clients in the community, the Department will compare monthly countable income to the appropriate MANG standard and add any non-exempt assets in excess of the appropriate asset disregard to non-exempt monthly income in excess of the appropriate MANG Standard.

1) Regular MANG - Community Residents

When an individual residing in the community, has countable monthly income of not more than 99 cents over the appropriate MANG Standard and has non-exempt excess assets of not more than 99 cents over the appropriate asset disregard, the case is referred to as a Regular MANG case. Payment for covered services is made for each month eligibility exists.

2) Spend-down MANG

A) When an individual resides in the community and has countable monthly income of at least \$1.00 over the MANG Standard and/or non-exempt assets of at least \$1.00 in excess of the asset disregard for the appropriate size household, the case is referred to as a community spend-down case. The spend-down amount is the sum of the amount of income in excess of the MANG Standard plus non-exempt assets in excess of the appropriate asset disregard. The Department will disregard any excess income and/or asset amounts that are not at least \$1.00 over the appropriate standard or disregard.

B) The transfer of asset policy set forth in Section 120.385 still applies. Once the client has been determined to have a resource spend-down because of excess non-exempt assets, the spend-down cannot be eliminated by a non-allowable transfer made to qualify for or increase the need for medical assistance.

C) If the individual presents verification that the excess amount is no longer available and the transfer of assets is allowable according to Section 120.385, the Department will make the appropriate changes the month following the month the assets were transferred. If spend-down has been met, the policy set forth in Section 120.385 regarding transfer of assets does not apply. The client may dispose of the asset as he/she wishes as it has been applied to a spend-down.

C) Individuals enrolled in spend-down are not eligible for payment of covered medical services until spend-down is met. Spend-down is met by presenting allowable medical bills or receipts to the Department that equal the amount of the individual's excess countable income and/or non-exempt excess assets. Excess assets do not have to be reduced prior to the authorization of medical assistance issuance of a medical card.

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c) Group Care Cases

To determine the spend-down obligation for MANG clients in group care, the Department will compare monthly countable income and non-exempt assets in excess of the appropriate asset disregard to the cost of long term care at the private pay rate or the Department rate, whichever is greater. When an individual has non-exempt excess assets, the excess amount is applied to the monthly long term care charges after the monthly countable income has been applied.

1) Regular Group Care

When an individual in group care has countable monthly income plus non-exempt assets in excess of the applicable asset disregard of not more than 99 cents over the private pay rate or the Department rate, whichever is greater, the case is referred to as a Regular Group Care case. If monthly countable income plus excess non-exempt assets are less than the long term care charges at the Department rate, the Department will pay the difference.

2) Group Care Spend-down

A) When an individual in group care has countable monthly income plus non-exempt assets in excess of the applicable asset disregard of at least \$1.00 over the cost of long term care at the private pay rate or the Department rate, whichever is greater, the case is referred to as a Group Care Spend-down case. The spend-down amount is the sum of the monthly countable income plus non-exempt assets over the applicable asset disregard.

B) The transfer of asset policy set forth in Section 120.385 still applies. Once the client has been determined to have a resource spend-down because of excess non-exempt assets, the spend-down cannot be eliminated by a non-allowable transfer made to qualify for or increase the need for medical assistance.

C) If the individual presents verification that the excess amount is no longer available and the transfer of assets is allowable according to Section 120.385, the Department will make the appropriate changes the month following the month the assets were transferred. If spend-down has been met, the policy set forth in Section 120.385 regarding transfer of assets does not apply. The client may dispose of the asset as he/she wishes as it has been applied to a met spend-down.

D) Individuals enrolled in spend-down are not eligible for payment of covered medical services until spend-down is met. Spend-down is met by presenting allowable medical bills or receipts to the Department that equal the amount of the individual's excess countable income and/or non-exempt assets. Excess assets do not have to be reduced prior to the authorization of medical assistance ~~issuance--of-a~~

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medical-card.

(Source: Amended at 22 Ill. Reg. effective
APR 01 1998 7003)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.2 Amendment
140.12 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: April 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 1, 1998
- 9) Notice of Proposal Published in Illinois Register: January 2, 1998 (22 Ill. Reg. 152)

- 10) Has JCAR issued a Statement of Objection to these Adopted Amendments? No
- 11) Differences between proposal and final version: Section 140.2 is being updated to include an adoption to that Section concerning Department coverage for supportive living facilities (SLFs). The adoption, effective February 27, 1998, was published in the *Illinois Register* on March 13, 1998. The emergency and proposed amendments regarding SLFs were published on October 17, 1997, at 21 Ill. Reg. 13857 and 21 Ill. Reg. 13757, respectively. The emergency amendments were effective on October 1, 1997.

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? Yes

- | | | |
|------------------------|------------------------|---------------------------------------|
| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
| 140.539 | Amendment | February 20, 1998 (22 Ill. Reg. 3727) |
- 15) Summary and Purpose of Amendments: These amendments add changes to the Department's rules to recognize the implementation of the Temporary

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Assistance for Needy Families (TANF) program that became effective on July 1, 1997, under Public Law 104-193, and to establish a new term, "medical card".

In Section 140.12, "Mediplan card" is being changed to the generic "medical card" to establish a broad term regarding a means of identification to verify an individual's eligibility for medical assistance. This new term is being added to the Department's rules in anticipation of the transition away from use of the Mediplan card and implementation of the LINK card. The new LINK card will be used by clients to access an array of services including care under the medical assistance program.

Companion amendments are being adopted at 89 Ill. Adm. Code 101 and 120.

These proposed amendments are not expected to result in any additional Department expenditures.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, IL 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement. Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
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140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
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140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.55 Recipient Eligibility Verification (REV) System
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72 Voucher Advance Payment and Expedited Payments
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund
140.95 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.96 Hospital Services Trust Fund
140.97 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350 Copayments (Recodified)
140.360 Payment Methodology (Recodified)

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140.361 Non-Participating Hospitals (Recodified)
 140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Subacute Alcoholism and Substance Abuse Service:
 (Recodified)
 140.394 Payment for Subacute Alcoholism and Substance Abuse Service
 (Recodified)
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Service:
 (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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140.429 Limitations on Chiropractic Services (Repealed)
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 140.432 Limitations on Independent Laboratory Services
 140.433 Payment for Laboratory Services
 140.434 Record Requirements for Independent Laboratories
 140.435 Nurse Services
 140.436 Limitations on Nurse Services
 140.440 Pharmacy Services
 140.441 Pharmacy Services Not Covered
 140.442 Prior Approval of Prescriptions
 140.443 Filling of Prescriptions
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 140.447 Reimbursement
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 140.462 Covered Services in Clinics
 140.463 Clinic Service Payment
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
 140.465 Speech and Hearing Clinics (Repealed)
 140.466 Rural Health Clinics
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 140.469 Hospice
 140.470 Home Health Services
 140.471 Home Health Covered Services
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 140.475 Medical Equipment, Supplies and Prosthetic Devices
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 Will Not Be Made
 140.477 Limitations on Equipment, Supplies and Prosthetic Devices
 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
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140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices
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140.483 Limitations on Family Planning Services
140.484 Payment for Family Planning Services
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140.486 Limitations on Medichex Services (Repealed)
140.487 Healthy Kids Program Timeliness Standards
140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures

140.490 Medical Transportation
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140.492 Payment for Medical Transportation
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SUBPART E: GROUP CARE

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140.503 Cessation of Payment for Improper Level of Care
140.504 Cessation of Payment Because of Termination of Facility
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140.506 Provider Voluntary Withdrawal
140.507 Continuation of Provider Agreement

140.510 Determination of Need for Group Care
140.511 Long Term Care Services Covered by Department Payment
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140.516 Recipient Management of Funds
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140.520 Management of Recipient Funds--Local Office Responsibility
140.521 Room and Board Accounts
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140.525 Quality Incentive Program (QUIP) Payment Levels
140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)

140.527 Quality Incentive Survey (Repealed)
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 140.860 Covered Services (Repealed)
 140.865 Sponsor Qualifications (Repealed)
 140.870 Sponsor Responsibilities (Repealed)
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TABLE A Medichesk Recommended Screening Procedures (Repealed)
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at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990;

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amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17733, effective November 22, 1991; November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 18097, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18573, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment

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repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998.

SUBPART A: GENERAL PROVISIONS

Section 140.2 Medical Assistance Programs

- a) Under the Medical Assistance Programs, the Department pays participating providers for necessary medical services, specified in Section 140.3 through 140.7 for:
- 1) persons eligible for financial assistance under the Aid to the Aged, Blind or Disabled-State Supplemental Payment (AABD-SSP) and

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- Temporary Assistance to Needy Families (TANF) Aid-to-Families with-Dependent-Children-(APDC) programs (Medicaid - MAG);
- 2) persons who would be eligible for financial assistance but who have resources in excess of the Department's eligibility standards and who have incurred medical expenses greater than the difference between their income and the Department's standards (Medicaid - MANG);
 - 3) persons receiving financial assistance under the General Assistance (GA) program, either State Transitional Assistance or State Family and Children Assistance (GA-Medical);
 - 4) individuals under age 18 who do not qualify for TANF/TANF-MANG APDC/APDC-MANG and infants under age one year (see Section 140.7);
 - 5) pregnant women who would not be eligible for TANF/TANF-MANG APDC/APDC-MANG if the child were born and who do not qualify as mandatory categorically needy (see Section 140.9);
 - 6) persons who are eligible for Title IV-E adoption living in Illinois;
 - 7) noncitizens who have an emergency medical condition (see 89 Ill. Adm. Code 120.310); however, payment is not included for care and services related to an organ transplant procedure; and
 - 8) persons eligible for medical assistance under the Aid to the Aged, Blind or Disabled (AABD) program who reside in specified Supportive Living Facilities (SLFs), as described at 89 Ill. Adm. Code 146, Subpart B.
- b) "Necessary medical care" is that which is generally recognized as standard medical care required because of disease, disability, infirmity or impairment.
- c) The Department may impose prior approval requirements, as specified by rule, to determine whether the medical care is necessary and eligible for payment from the Department in individual situations. Such requirements shall be based on recommendations of technical and professional staff and advisory committees.
- d) When recipients are entitled to Medicare benefits, the Department shall assume responsibility for their deductible and coinsurance obligations, unless the recipients have income and/or resources available to meet these needs. The total payment to a provider from both Medicare and the Department shall not exceed either the amount that Medicare determines to be a reasonable charge or the Department standard for the services provided, whichever is applicable.
- e) The Department shall pay for services and items not allowed by Medicare only if they are provided in accordance with Department policy for recipients not entitled to Medicare benefits.
- f) The Department may contract with qualified practitioners, hospitals and all other dispensers of medical services for the provision and reimbursement of any and all medical care or services as specified in the contract on a prepaid capitation basis (i.e., payment of a fixed

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amount per enrollee made in advance of the service); volume purchase basis (i.e., purchase of a volume of goods or services for a price specified in the contract); ambulatory visit basis (i.e., one comprehensive payment for each visit regardless of the services provided during that visit) or per discharge basis (i.e., one comprehensive payment per discharge regardless of the services provided during the stay). Such contracts shall be based either on formally solicited competitive bid proposals or individually negotiated rates with providers willing to enter into special contractual arrangements with the State.

- g) The Department may require that recipients of medical assistance under any of the Department's programs exercise their freedom of choice by choosing to receive medical care under the traditional fee for service system or through a prepaid capitation plan or under one of the other alternative contractual arrangements described in subsection (f) of this Section. The categories of recipients who may choose or be assigned to an alternative plan will be specified in the contract. Recipients required to make such a choice will be notified in writing by the Department. If a recipient does not choose to exercise his/her freedom of choice, the Department may assign that recipient to a prepaid plan. Under such a plan, recipients would obtain certain medical services or supplies from a single source or limited source. The Department will notify recipients in writing if they are assigned to a prepaid plan. Recipients enrolled in or assigned to a prepaid plan will receive written notification advising them of the services which they will receive from the plan. Covered services not provided by the plan will be reimbursed by the Department on a fee for service basis. Recipients will receive a medical eligibility card which will apply to such services.
- h) The Department may enter into contracts for the provision of medical care on a prepaid capitation basis from a Health Maintenance Organization (HMO) whereby the recipient who chooses to receive medical care through an HMO must stay in the HMO for a certain period of time, not to exceed six months (the enrollment period). Upon written notice, the recipient may choose to disenroll from such an HMO at any time within the first month of each enrollment period. The Department will send the recipient a notice at least 30 days prior to the end of the enrollment period which gives the recipient a specified period of time in which to inform the Department if the recipient does not wish to re-enroll in the HMO for a new enrollment period. The recipient may then disenroll at the end of the enrollment period only if the recipient responds to the notice and indicates in writing a choice to disenroll. Failure to respond to the notice will result in automatic re-enrollment for a new enrollment period. Recipients shall also be allowed to disenroll at any time for cause.

- i) The Department may enter into contracts for the provision of medical care on a prepaid capitation basis from a Health Maintenance Organization whereby the recipient who chooses to receive medical care

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- through an HMO may choose to disenroll at any time, upon written notice.
- j) The Department shall pay for services under the Maternal and Child Health program, a primary health care program for pregnant women and children (see Subpart G).

(Source: Amended at 22 Ill. Reg. 7024, effective APR 01 1998)

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.12 Participation Requirements for Medical Providers

The provider shall agree to:

- a) Verify eligibility of recipients prior to providing each service;
- b) Allow recipients the choice of accepting or rejecting medical or surgical care or treatment;
- c) Provide supplies and services in full compliance with all applicable provisions of State and federal laws and regulations pertaining to nondiscrimination and equal employment opportunity including but not limited to:
 - 1) Full compliance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin;
 - 2) Full compliance with Section 504 of the Rehabilitation Act of 1973 and 45 CFR 84, which prohibit discrimination on the basis of handicap; and
 - 3) Without discrimination on the basis of religious belief, political affiliation, sex, age or disability;
- d) Comply with the requirements of applicable Federal and State laws and not engage in practices prohibited by such laws;
- e) Hold confidential, and use for authorized program purposes only, all Medical Assistance information regarding recipients;
- f) Furnish to the Department, in the form and manner requested by it, any information it requests regarding payments for providing goods or services, or in connection with the rendering of goods or services or supplies to recipients by the provider, his agent, employer or employee;
- g) Make charges for the provision of services and supplies to recipients in amounts not to exceed the provider's usual and customary charges and in the same quality and mode of delivery as are provided to the general public;
- h) Accept as payment in full the amounts established by the Department.
 - 1) If a provider accepts an individual eligible for medical assistance from the Department as a Medicaid recipient, such provider shall not bill, demand or otherwise seek reimbursement from that individual or from a financially responsible relative or representative of the individual for any service for which

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reimbursement would have been available from the Department if the provider had timely and properly billed the Department. For purposes of this subsection, "accepts" shall be deemed to include:

- A) an affirmative representation to an individual that payment for services will be sought from the Department;
 - B) an individual presents the provider with his or her medical Medicaid card and the provider does not indicate that other payment arrangements will be necessary; or
 - C) billing the Department for the covered medical service provided an eligible individual.
- 2) If an eligible individual is entitled to medical assistance with respect to a service for which a third party is liable for payment, the provider furnishing the service may not seek to collect from the individual payment for that service if the total liability of the third party for that service is at least equal to the amount payable for that service by the Department.
- i) Accept assignment of Medicare benefits for public aid recipients eligible for Medicare, when payment for services to such persons is sought from the Department;
- j) Complete an MCH (Maternal and Child Health) Primary Care e-Health Home/Healthy-Kids Provider Agreement in order to participate in the Maternal and Child Health Healthy--Moms/Healthy--Kids Program (see Section 140.924(a)(1)(D)); and

k) In the case of long term care providers, assume liability for repayment to the Department of any overpayment made to a facility regardless of whether the overpayment was incurred by a current owner or operator or by a previous owner or operator. Liability of current and previous providers to the Department shall be joint and several. Recoveries by the Department under this Section may be made pursuant to Sections 140.15 and 140.25. For purposes of this Section, "overpayment" shall include, but not be limited to:

- 1) Amounts established by final administrative decisions pursuant to 89 Ill. Adm. Code 104;
- 2) Overpayments resulting from advance C-13 payments made pursuant to Section 140.71;
- 3) Liabilities resulting from nonpayment or delinquent payment of assessments pursuant to Section 140.84; and
- 4) Amounts identified during past, pending or future audits that pertain to audit periods prior to a change in ownership and are conducted pursuant to Sections 140.30 and 140.590. Liability of current owners or operators for amounts identified during such audits shall be as follows:

- A) For past audits (audits completed before changes in ownership), liability shall be the amount established by final administrative decision.
- B) For pending audits (audits initiated, but not completed, prior to the change in ownership), liability shall be

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limited to the lesser of the amounts established by final administrative decision or two months of service revenue. Two months of service revenue is defined as two months of Medicaid patient days as reported on the latest cost report filed by the selling owner or operator multiplied by the total Medicaid rate in effect on the date the new owner or operator is enrolled in the Program as a provider by the Department. The Medicaid rate in effect on the date of enrollment shall be used even if that rate is subsequently changed.

- C) For future audits (audits initiated after the change in ownership but pertaining to an audit period prior to a change in ownership), liability shall be limited as described in subsection (k)(4)(B) above.

(Source: Amended APR 01 1998 22 Ill. Reg. 7024, effective

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pari-Mutuels
- 2) Code Citation: 11 Ill. Adm. Code 300
- 3) Section Number: Adopted Action:
300.100 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: May 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: April 3, 1998
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 17008 - 12/26/97
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The main source note was corrected

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other proposed amendments pending in this Part? No

- 15) Summary and purpose of rules: This rulemaking requires the licensees to provide complaint forms at all information windows.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-5070.

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER 1: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 300
PARI-MUTUELS

Section	
300.10	General
300.20	Records
300.30	Pari-Mutuel Tickets
300.40	Pari-Mutuel Wagers
300.50	Pari-Mutuel Races
300.60	Advanced Wagering
300.70	Scratches or Non-Starters
300.80	Pools Dependent Upon Betting Interests
300.90	Minimum Payoff
300.100	Pari-Mutuel Complaints

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 19 Ill. Reg. 13935, effective October 1, 1995; emergency amendment at 20 Ill. Reg. 12522, effective September 1, 1996, for a maximum of 150 days; ~~amended at 21 Ill. Reg. 955, effective January 7, 1997; amended at 22 Ill. Reg. 17008, effective 12/26/97.~~ 12/26/97.

Section 300.100 Pari-Mutuel Complaints

a) Illinois Racing Board complaint forms shall be made available to the public by all licensees at the information window. Upon receiving any such complaint form, the licensee shall submit a copy to the Board with a statement of the action taken, if any, or proposed action to be taken by the licensee.

b) ~~All licensees shall submit every complaint report to the State Director of Mutuels within 48 hours after the complaint is made.~~

(Source: Amended at 22 Ill. Reg. 12/26/97, effective 12/26/97.)

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- 1) Heading of the Part: Programs
- 2) Code Citation: 11 Ill. Adm. Code 415
- 3) Section Number: 415. 10 Adopted Action: Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: May 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: April 3, 1998
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 17011 - 12/26/97
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: Pursuant to a request from JCAR, the authority note was corrected.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking requires licensees to notify patrons, in the official program, that complaint forms are available at the information window. This rulemaking also removes the provision requiring information on the Special Purse and Reward Fund from the program.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
312/814-5070

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 415
PROGRAMS

Section

- 415.10 Required Information
- 415.20 Supply Information for Patrons (Repealed)
- 415.30 Thoroughbred Programs
- 415.40 Harness Programs
- 415.50 Quarterhorse Programs
- 415.60 Availability of Programs
- 415.70 Distribution of Programs

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 4 Ill. Reg. 43, effective October 20, 1980; codified at 5 Ill. Reg. 10900; emergency amendment at 7 Ill. Reg. 16201, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 5698, effective April 16, 1984; amended at 14 Ill. Reg. 11314, effective July 3, 1990; amended at 16 Ill. Reg. 7486, effective April 24, 1992; amended at 18 Ill. Reg. 17756, effective November 28, 1994; amended at 19 Ill. Reg. 12691, effective September 1, 1995; amended at 21 Ill. Reg. 12208, effective September 1, 1997; amended at 22 Ill. Reg. 7046, effective MAY 01 1998.

Section 415.10 Required Information

Programs shall contain the following information:

- a) A statement that the race meeting is conducted pursuant to a license issued by the Board and pursuant to the rules and regulations of the Board.
- b) The address and telephone number of the central office of the Board.
- c) The names of the Board members, the officers and directors of the organization licensee, and Board and track racing officials.
- d) The post time of the first pari-mutuel race of each program.
- e) The information specified in--Section--410:60--regarding--the--Special Purse--and--Reward--Fund:
 - e)f) A symbol identifying the horses that have been administered furosemide prior to each race and, where applicable, a different symbol identifying horses that have been administered furosemide for the first time.
 - f)g) A notice specifying the exact location of information and/or complaint window or windows for the convenience of the patrons.
 - g)h) A clear, conspicuous statement of the racing organization's election

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to impose a surcharge under Section 26.3 of the Horse Racing Act of 1975.

- h)† A brief description of the pari-mutuel wagering system.
 i)† A statement that wagers are to be made by program number and not by post position or handicap rating number.
 j)† A statement that pay-offs are not permitted until the stewards have notified the pari-mutuel department of the official order of finish.
 k)† A statement that tickets should be retained until the official results have been posted.
 l)† A statement that the Illinois Racing Board rules and complaint forms are available ~~for--public--inspection~~ at the information and/or complaint window and at the office of the Illinois Racing Board.

(Source: Amended at 22 Ill. Reg. 7048, effective

MAY 01 1998)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Racing Rules

2) Code Citation: 11 Ill. Adm. Code 1318

3) Section Number: Adopted Action:
1318.90 Amendment

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rule: May 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date filed in Agency's Principal Office: April 3, 1998

9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 1109 - 1/9/98

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: The main source note was corrected [commaremoved] and the comma after "to" in line 41 was removed.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking reduces the size of whips allowed for use in harness racing, restricts the areas where the whip may be used. The penalties for violating this rule have also been increased to allow for a maximum suspension of 3 days. Criteria for determining violations of this rule have been included.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
 Illinois Racing Board
 Legal Department
 100 West Randolph, Suite 11-100
 Chicago, IL 60601
 (312) 814-5070

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1318
RACING RULES

Section	
1318.10	Racing Conduct
1318.20	Complaints
1318.30	Disqualification of Entries
1318.40	Penalties
1318.50	Unsatisfactory Driving
1318.60	Driver Substitution
1318.70	Failure to Finish
1318.80	Improper Conduct
1318.90	Whips and Snappers
1318.100	Goadng Devices
1318.110	Accidents
1318.120	Use of Hopples
1318.130	Breaking
1318.140	Breaking on Purpose
1318.150	Call Out Breaks
1318.160	Right of Course
1318.170	Penalties
1318.180	Harness Tracks Without a Continuous Hub Rail
1318.190	Open Stretch Racing

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); adopted December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10945; amended at 5 Ill. Reg. 13719, effective December 2, 1981; emergency amendment at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days; emergency expired March 8, 1992; amended at 16 Ill. Reg. 7489, effective April 27, 1992; amended at 17 Ill. Reg. 19303, effective October 25, 1993; amended at 22 Ill. Reg. 8049, effective

MAY 01 1998

Section 1318.90 Whips and Snappers

Drivers will be allowed whips not to exceed three feet, 9 inches, ~~four--feet~~ ~~eight--inches~~ plus a snapper not longer than ~~six~~ ~~eight~~ inches. At the discretion of the stewards, brutal, excessive or indiscriminate use of the whip, including but not limited to causing visible injury, whipping under the arch of shafts of the sulky or whipping after the race, is a violation

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

punishable by a fine of not more than \$200 and/or a three day suspension or both. The stewards, in their discretion, may assess larger fines and/or longer suspensions for subsequent offenses. Use of the whip shall be confined to an area above and between the sulky shafts, including the sulky shaft. Use of the butt end of the whip is prohibited.

(Source: Amended at 22 Ill. Reg. 7049, effective MAY 01 1998)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.Appendix A, Table M Peremptory Action: Amended
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)]
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a.]
- 6) Effective Date: April 1, 1998
- 7) A Complete Description of the Subjects and Issues Involved: The Conservation Police Lodge recently negotiated the three-year agreement reflected below:

In Section 310.Table M RC-110 (Conservation Police Lodge), the salary scales for the Conservation Police Officers I and II shall be increased by 3% for July 1, 1997, July 1, 1998, and July 1, 1999.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: April 1, 1998
- 10) Is this Rule in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes
- 11) Are there any proposed amendments pending to this part? No
- 12) Statement of Statewide Objectives: This amendment to the Pay Plan pertains only to State employees subject to the Personnel Code and does not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.
- 13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed to:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield IL 62706
(217) 782-5601

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PEREMPTORY AMENDMENT

The full text of the Peremptory Amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20
310.30
310.40
310.50
310.60
310.70
310.80
310.90
310.100
310.110
310.120
310.130
310.140
310.150

Policy and Responsibilities
Jurisdiction
Pay Schedules
Definitions
Conversion of Base Salary to Pay Period Units
Conversion of Base Salary to Daily or Hourly Equivalents
Increases in Pay
Decreases in Pay
Other Pay Provisions
Implementation of Pay Plan Changes for Fiscal Year 1998
Interpretation and Application of Pay Plan
Effective Date
Reinstitution of Within Grade Salary Increases
Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective
July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205
310.210
310.220
310.230
310.240
310.250
310.260
310.270
310.280
310.290
310.300
310.310
310.320
310.330

Introduction
Prevailing Rate
Negotiated Rate
Part-Time Daily or Hourly Special Services Rate
Hourly Rate
Member, Patient and Inmate Rate
Trainee Rate
Legislated and Contracted Rate
Designated Rate
Out-of-State or Foreign Service Rate
Educator Schedule for RC-063 and HR-010
Physician Specialist Rate
Annual Compensation Ranges for Executive Director and Assistant
Executive Director, State Board of Elections
Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section	Jurisdiction
310.410	Objectives
310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1998
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)

TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1998
APPENDIX C	Medical Administrator Rates for Fiscal Year 1998
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1998
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1998

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PEREMPTORY AMENDMENT

Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

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NOTICE OF PEREMPTORY AMENDMENT

effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6888, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 17653, effective APR 01 1998.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE M BRC-110 (Conservation Police Lodge)

Effective July 1, 1997

	1	2	3	4	5	6	7
Conservation Police Officer I	2790	2924	3065	3213	3368	3530	3615
Conservation Police Officer II	0000	0000	3206	3354	3508	3600	3808

S T E P S

LONGEVITY BONUS RATES

	9 Yrs	10 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
Conservation Police Officer I	3785	3968	3968	4078	4273	4487	4487	4487	4704

	9 Yrs	10 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
Conservation Police Officer II	3842	4023	4023	4212	4408	4620	4677	4893	5122

Effective July 1, 1998

	1	2	3	4	5	6	7
Conservation Police Officer I	2874	3012	3157	3309	3469	3636	3723
Conservation Police Officer II	0000	0000	3302	3455	3613	3708	3922

S T E P S

LONGEVITY BONUS RATES

	9 Yrs	10 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
Conservation Police Officer I	3899	4087	4087	4200	4401	4622	4622	4622	4845

	9 Yrs	10 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
Conservation Police Officer II	3957	4144	4144	4338	4540	4759	4817	5040	5276

Effective July 1, 1999

	1	2	3	4	5	6	7
Conservation Police Officer I	2960	3102	3252	3408	3573	3745	3835
Conservation Police Officer II	0000	0000	3401	3559	3721	3819	4040

S T E P S

LONGEVITY BONUS RATES

	9 Yrs	10 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
Conservation Police Officer I	4016	4210	4210	4326	4533	4761	4761	4761	4990

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
4076 4268 4468 4468 4676 4902 4962 5191 5434

Effective-July-17-1994

S-W-B-P-S								
1	2	3	4	5	6	7		
2450	2581	2710	2845	2986	3135	3213		
0000	0000	0000	2039	2974	3115	3199	3389	

Conservation Police Officer-II
8 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3368 3535 3536 4011 4011 4209

Conservation Police Officer-II
8 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3420 3506 3758 4132 4104 4382 4592

Effective-October-17-1995

S-W-B-P-S								
1	2	3	4	5	6	7		
2532	2650	2791	2930	3076	3229	3309		
0000	0000	0000	2924	3063	3200	3295	3491	

Conservation Police Officer-I
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3469 3641 3745 4131 4131 4335

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3523 3694 3871 4256 4310 4513 4730

Effective-January-17-1996

S-W-B-P-S								
1	2	3	4	5	6	7		
2502	2700	2841	2980	3126	3279	3359		
0000	0000	0000	2974	3113	3250	3345	3541	

Conservation Police Officer-I
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3599 3795 3901 4101 4101 4305

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3691 3795 4101 4101 4305

Effective-January-17-1996

S-W-B-P-S								
1	2	3	4	5	6	7		
2502	2700	2841	2980	3126	3279	3359		
0000	0000	0000	2974	3113	3250	3345	3541	

Conservation Police Officer-I
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3691 3795 4101 4101 4305

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3795 4101 4101 4305

Effective-January-17-1996

S-W-B-P-S								
1	2	3	4	5	6	7		
2502	2700	2841	2980	3126	3279	3359		
0000	0000	0000	2974	3113	3250	3345	3541	

Conservation Police Officer-I
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3795 4101 4101 4305

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
4101 4305

Effective-January-17-1996

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
4076 4268 4468 4468 4676 4902 4962 5191 5434

Effective-October-17-1996

S-W-B-P-S								
1	2	3	4	5	6	7		
2450	2581	2710	2845	2986	3135	3213		
0000	0000	0000	2039	2974	3115	3199	3389	

Conservation Police Officer-II
8 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3368 3535 3536 4011 4011 4209

Conservation Police Officer-II
8 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3420 3506 3758 4132 4104 4382 4592

Effective-January-17-1997

S-W-B-P-S								
1	2	3	4	5	6	7		
2532	2650	2791	2930	3076	3229	3309		
0000	0000	0000	2924	3063	3200	3295	3491	

Conservation Police Officer-I
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3469 3641 3745 4131 4131 4335

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3523 3694 3871 4256 4310 4513 4730

Effective-January-17-1997

S-W-B-P-S								
1	2	3	4	5	6	7		
2532	2650	2791	2930	3076	3229	3309		
0000	0000	0000	2924	3063	3200	3295	3491	

Conservation Police Officer-I
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3469 3641 3745 4131 4131 4335

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3523 3694 3871 4256 4310 4513 4730

Effective-January-17-1997

S-W-B-P-S								
1	2	3	4	5	6	7		
2502	2700	2841	2980	3126	3279	3359		
0000	0000	0000	2974	3113	3250	3345	3541	

Conservation Police Officer-I
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3599 3795 3901 4101 4101 4305

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3795 4101 4101 4305

Effective-January-17-1997

S-W-B-P-S								
1	2	3	4	5	6	7		
2502	2700	2841	2980	3126	3279	3359		
0000	0000	0000	2974	3113	3250	3345	3541	

Conservation Police Officer-I
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3795 4101 4101 4305

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
4101 4305

Effective-January-17-1997

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3573 3744 3744 3921 4107 4306 4360 4563 4780

Effective-October-17-1996

S-W-B-P-S								
1	2	3	4	5	6	7		
2659	2789	2926	3069	3220	3377	3460		
0000	0000	0000	3063	3206	3366	3445	3647	

Conservation Police Officer-I
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3625 3802 3802 3909 4099 4306 4306 4517

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3680 3856 3856 4039 4230 4435 4491 4700 4923

Effective-January-17-1997

S-W-B-P-S								
1	2	3	4	5	6	7		
2709	2839	2976	3119	3270	3427	3510		
0000	0000	0000	3113	3256	3406	3495	3697	

Conservation Police Officer-I
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3675 3852 3852 3959 4149 4356 4356 4567

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3730 3906 3906 4009 4200 4405 4541 4750 4973

Effective-January-17-1997

S-W-B-P-S								
1	2	3	4	5	6	7		
2709	2839	2976	3119	3270	3427	3510		
0000	0000	0000	3113	3256	3406	3495	3697	

Conservation Police Officer-I
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3675 3852 3852 3959 4149 4356 4356 4567

Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3730 3906 3906 4009 4200 4405 4541 4750 4973

Effective-January-17-1997

S-W-B-P-S								
1	2	3	4	5	6	7		
2709	2839	2976	3119	3270	3427	3510		
0000	0000	0000	3113	3256	3406	3495	3697	

Conservation Police Officer-I
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Effective-January-17-1997

S-W-B-P-S								
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2709	2839	2976	3119	3270	3427	3510		
0000	0000	0000	3113	3256	3406	3495	3697	

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Conservation Police Officer-II
9 Yrs 10 Yrs 14 Yrs 15 Yrs 17.5 Yrs 20 Yrs 21 Yrs 22.5 Yrs 25 Yrs
3730 3906 3906 4009 4200 4405 4541 4750 4973

Effective-January-17-1997

(Source: Peremptory amendment at 22 Ill. Reg. 7053, effective
APR 01 1998)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING

ROOM D-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

APRIL 21, 1998

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAgriculture

1. Payment of Eligible Claims of Soil and Water Conservation District Employees Unpaid by Mid-Continent Medical Benefit Trust (8 Ill Adm Code 755)

-First Notice Published: 22 Ill Reg 2005 - 1/23/98

-Expiration of Second Notice: 5/1/98

Children and Family Services

2. Services Delivered by the Department (89 Ill Adm Code 302)

-First Notice Published: 21 Ill Reg 6375- 5/30/98

-Expiration of Second Notice: 5/20/98

3. Adoption Services For Children For Whom The Department of Children And Family Services Is Legally Responsible (89 Ill Adm Code 309)

-First Notice Published: 21 Ill Reg 6349 - 5/30/97

-Expiration of Second Notice: 5/14/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

4. Licensing Standards for Child Welfare Agencies (89 Ill Adm Code 401)

-First Notice Published: 21 Ill Reg 6286 - 5/30/97

-Expiration of Second Notice: 5/16/98

Commerce and Community Affairs

5. Illinois Promotion Act Programs (14 Ill Adm Code 510)

-First Notice Published: 22 Ill Reg 2007 - 1/23/98

-Expiration of Second Notice: 5/9/98

6. Local Tourism and Convention Bureau Program (14 Ill Adm Code 550)

-First Notice Published: 22 Ill Reg 1062 - 1/9/98

-Expiration of Second Notice: 5/10/98

Commerce Commission

7. Accounting for Non-Public Utility Business of Electric Utilities (83 Ill Adm Code 416)

-First Notice Published: 22 Ill Reg 2039 - 1/23/98

-Expiration of Second Notice: 5/16/98

8. Uniform System of Accounts for Gas Utilities (83 Ill Adm Code 505)

-First Notice Published: 21 Ill Reg 15072 - 12/1/97

-Expiration of Second Notice: 5/14/98

9. Accounting for Non-Public Utility Business of Gas Utilities (83 Ill Adm Code 506)

-First Notice Published: 22 Ill Reg 2042 - 1/23/98

-Expiration of Second Notice: 5/16/98

10. Uniform System of Accounts for Water Utilities (83 Ill Adm Code 605)

-First Notice Published: 21 Ill Reg 16215 - 12/19/97

-Expiration of Second Notice: 5/14/98

11. Uniform System of Accounts For Sewer Utilities (83 Ill Adm Code 650)

-First Notice Published: 22 Ill Reg 1 - 1/2/98

-Expiration of Second Notice: 5/16/98

12. Telephone Assistance Programs (83 Ill Adm Code 757)

-First Notice Published: 21 Ill Reg 16212 - 12/19/97

-Expiration of Second Notice: 4/26/98

Environmental Protection Agency/Nuclear Safety

13. Repeal of Joint Rules of the Illinois Environmental Protection Agency, The Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (35 Ill Adm Code 183)

-First Notice Published: 22 Ill Reg 23 - 1/2/98

-Expiration of Second Notice: 4/22/98 DNS

-Expiration of Second Notice: 5/13/98 EPA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Human Services

14. Developmental Disabilities Services (89 Ill Adm Code 144)
 -First Notice Published: 21 Ill Reg 6033 - 5/16/97
 -Expiration of Second Notice: 5/20/98
15. Determination of Need (DON) and Resulting Services Cost Maximums (SCMS) (89 Ill Adm Code 679)
 -First Notice Published: 22 Ill Reg 2068 - 1/23/98
 -Expiration of Second Notice: 5/17/98

Insurance

16. Portability of Creditable Service Time for Downstate and Suburban Police Pension Funds (50 Ill Adm Code 4404)
 -First Notice Published: 21 Ill Reg 16241 - 12/19/97
 -Expiration of Second Notice: 4/23/98
17. Payment of Annual Compliance Fees for Pension Funds (50 Ill Adm Code 4415)
 -First Notice Published: 22 Ill Reg 2487 - 1/30/98
 -Expiration of Second Notice: 5/1/98

Lottery

18. Lottery (General) (11 Ill Adm Code 1770)
 -First Notice Published: 22 Ill Reg 1650 - 1/16/98
 -Expiration of Second Notice: 4/22/98

Natural Resources

19. White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)
 -First Notice Published: 22 Ill Reg 2690 - 2/6/98
 -Expiration of Second Notice: 5/13/98

20. White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill Adm Code 660)
 -First Notice Published: 22 Ill Reg 2708 - 2/6/98
 -Expiration of Second Notice: 5/13/98

21. White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)
 -First Notice Published: 22 Ill Reg 2678 - 2/6/98
 -Expiration of Second Notice: 5/13/98

22. Forestry Development Cost-Share Program (17 Ill Adm Code 1536)
 -First Notice Published: 22 Ill Reg 2651 - 2/6/98
 -Expiration of Second Notice: 5/9/98

23. The Illinois Oil and Gas Act (62 Ill Adm Code 240)
 -First Notice Published: 22 Ill Reg 2044 - 1/23/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Expiration of Second Notice: 5/16/98

24. The Illinois Oil and Gas Act (62 Ill Adm Code 240)
 -First Notice Published: 22 Ill Reg 2495 - 1/30/98
 -Expiration of Second Notice: 5/16/98

25. Surface Mined Land Conservation and Reclamation Act (62 Ill Adm Code 300)
 -First Notice Published: 22 Ill Reg 2668 - 2/6/98
 -Expiration of Second Notice: 5/9/98

Nuclear Safety

26. Repeal of Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (35 Ill Adm Code 195)
 -First Notice Published: 21 Ill Reg 1088 - 1/9/98
 -Expiration of Second Notice: 4/22/98

27. Repeal of Volunteered Location(s) Procedures for Selecting a Site for the Development of a Low-Level Radioactive Waste Disposal Facility (32 Ill Adm Code 610)
 -First Notice Published: 22 Ill Reg 1712 - 1/16/98
 -Expiration of Second Notice: 4/22/98

Professional Regulation

28. Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill Adm Code 1375)
 -First Notice Published: 21 Ill Reg 8135 - 7/7/97
 -Expiration of Second Notice: 5/16/98

Public Aid

29. Medical Assistance Programs (89 Ill Adm Code 120)
 -First Notice Published: 22 Ill Reg 1103 - 1/9/98
 -Expiration of Second Notice: 4/29/98

Public Health

30. Freestanding Emergency Center Demonstration Program Code (77 Ill Adm Code 518)
 -First Notice Published: 21 Ill Reg 13995 - 10/24/97
 -Expiration of Second Notice: 5/17/98

31. Illinois Swimming Pool and Bathing Beach Code (77 Ill Adm Code 820)
 -First Notice Published: 21 Ill Reg 7089 - 6/13/97
 -Expiration of Second Notice: 5/17/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Secretary of State

32. Regulations Under the Business Opportunity Sales Law of 1995. (14 Ill Adm Code 135)
 -First Notice Published: 22 Ill Reg 2763 - 2/6/98
 -Expiration of Second Notice: 5/7/98
33. Certificates of Title, Registration of Vehicles (92 Ill Adm Code 1010)
 -First Notice Published: 22 Ill Reg 2080 - 1/23/98
 -Expiration of Second Notice: 5/9/98

EMERGENCY AND PEREMPTORY RULEMAKINGSAgriculture

34. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)
 -Notice Published: 22 Ill Reg 5740 - 3/20/98

Central Management Services

35. Pay Plan (80 Ill Adm Code 310) (Peremptory)
 -Notice Published: 22 Ill Reg 5749 - 3/20/98

Education

36. School Construction Program (23 Ill Adm Code 151) (Emergency)
 -Notice Published: 22 Ill Reg 6238 - 4/3/98

Nuclear Safety

37. Licensing of Radioactive Material (32 Ill Adm Code 330) (Emergency)
 -Notice Published: 22 Ill Reg 6242 - 4/3/98

AGENCY RESPONSESEnvironmental Protection Agency

38. Procedures for Collection of Air Pollution Site Fees (35 Ill Adm Code 251)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 31, 1998 through April 6, 1998 and have been scheduled for review by the Committee at its April 21, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/14/98	Illinois Commerce Commission, Uniform System of Accounts for Water Utilities (83 Ill Adm Code 605)	12/19/97 21 Ill Reg 16215	4/21/98
5/14/98	Illinois Commerce Commission, Uniform System of Accounts for Gas Utilities (83 Ill Adm Code 505)	12/1/97 21 Ill Reg 15072	4/21/98
5/14/98	Department of Children and Family Services, Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible (89 Ill Adm Code 309)	5/30/97 21 Ill Reg 6349	4/21/98
5/16/98	Department of Professional Regulation, Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill Adm Code 1375)	7/7/97 21 Ill Reg 8135	4/21/98
5/16/98	Department of Children and Family Services, Licensing Standards for Child Welfare Agencies (89 Ill Adm Code 401)	5/30/97 21 Ill Reg 6286	4/21/98
5/16/98	Department of Natural Resources, The Illinois Oil and Gas Act (62 Ill Adm Code 240)	1/23/98 22 Ill Reg 2044	4/21/98
5/16/98	Department of Natural Resources, The Illinois Oil and Gas Act (62 Ill Adm Code 240)	1/30/98 22 Ill Reg 2495	4/21/98
5/16/98	Illinois Commerce Commission, Uniform System of Accounts For Sewer Utilities (83 Ill Adm Code 650)	1/2/98 22 Ill Reg 1	4/21/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

5/16/98	Illinois Commerce Commission, Accounting for Non-Public Utility Business of Electric Utilities (83 Ill Adm Code 416)	1/23/98 22 Ill Reg 2039	4/21/98
5/16/98	Illinois Commerce Commission, Accounting for Non-Public Utility Business of Gas Utilities (83 Ill Adm Code 506)	1/23/98 22 Ill Reg 2042	4/21/98
5/17/98	Department of Human Services, Determination of Need (DON) and Resulting Service Cost Maximums (SCMS) (89 Ill Adm Code 679)	1/23/98 22 Ill Reg 2068	4/21/98
5/17/98	Department of Public Health, Illinois Swimming Pool and Bathing Beach Code (77 Ill Adm Code 820)	6/13/97 21 Ill Reg 7089	4/21/98
5/17/98	Department of Public Health, Freestanding Emergency Center Demonstration Program Code (77 Ill Adm Code 518)	10/24/97 21 Ill Reg 13995	4/21/98
5/20/98	Department of Children and Family Services, Services Delivered by the Department (89 Ill Adm Code 302)	5/30/97 21 Ill Reg 6375	4/21/98
5/20/98	Department of Human Services, Developmental Disabilities Services (89 Ill Adm Code 144)	5/16/97 21 Ill Reg 6033	4/21/98

PROCLAMATIONS

98-107
LA PETITE DELTA MONTH (REVISED)

Whereas, Delta Sigma Theta Sorority, Inc., a public service organization, was founded at Harvard University in 1913; and

Whereas, the sorority founders envisioned an organization of collegiate women pledged to philanthropic endeavors and community service, and their ideals of service and commitment to scholarship have withstood the test of time; and

Whereas, since its inception in January 1976, the Springfield-Decatur Area Alumnae Chapter of Delta Sigma Theta Sorority, Inc., has been committed to fostering high ideals in areas such as education, economic development, social action and mental health; and

Whereas, commencing in 1983, the "La Petite Delta" program has provided educational and cultural enrichment activities for 8th grade young ladies in the Springfield and Decatur areas. The program offers a series of workshops, field trips and educational activities over a five-month period to help participants develop into positive role models for our communities; and

Whereas, the La Petite Delta galas will be April 4, 1998, and April 18, 1998, marking the program's 16th celebration;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1998 as *LA PETITE DELTA MONTH* in Illinois. I extend best wishes to the 27 program participants and the members of the Springfield-Decatur Area Alumnae Chapter of Delta Sigma Theta Sorority.

Issued by the Governor March 4, 1998.

Filed by the Secretary of State March 19, 1998.

98-126

BRAIN AWARENESS WEEK

Whereas, 50 million Americans have a permanent neurological disability that limits their daily activities; and

Whereas, one in three Americans will experience some form of mental disorder at some point in their lives and more people are hospitalized with psychiatric disorders than any other disease; and

Whereas, brain-related diseases and injuries are estimated to exceed over half a trillion dollars a year in health care, lost productivity and other economic costs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 16-22, 1998, as *BRAIN AWARENESS WEEK* in Illinois.

Issued by the Governor March 12, 1998.

Filed by the Secretary of State March 19, 1998.

98-127

CANCER FATIGUE AWARENESS DAY

Whereas, fatigue is a common side effect of cancer treatment that can affect many aspects of the life of a person with cancer; and

Whereas, the impact of cancer treatment-related fatigue is often under-reported by patients and under-recognized by health care professionals; and

Whereas, oncology nurses are committed to providing quality cancer care through their numerous roles as clinicians, teachers, researchers, and administrators; and

Whereas, oncology nurses in the State of Illinois continually strive to improve the everyday life of persons with cancer by including strategies to combat cancer treatment-related fatigue into their patients' care; and

Whereas, fatigue awareness, patient education and communication between cancer patients and health care professionals are key factors in controlling the debilitating effects of cancer treatment-related fatigue;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 2, 1998, as **CANCER FATIGUE AWARENESS DAY** in Illinois in recognition of the need to increase awareness and enhance education both inside and outside the oncology community regarding the impact of cancer treatment-related fatigue on the lives of individuals experiencing cancer.

Issued by the Governor March 12, 1998.

Filed by the Secretary of State March 19, 1998.

98-128

PEDIATRIC NURSE PRACTITIONERS WEEK

Whereas, the National Association of Pediatric Nurse Associates and Practitioners (NAPNAP) and its members are dedicated to the advancement and preservation of pediatric primary health care of the highest quality; and

Whereas, NAPNAP is a non-profit organization dedicated to assisting its members in improving the quality of infant, child and adolescent health care;

Whereas, founded in 1973, NAPNAP is a specialty nursing organization established to promote the highest standards of pediatric nursing through practice, education and research; and

Whereas, there are approximately 11,000 practicing Pediatric Nurse Practitioners in the United States. NAPNAP has more than 5,400 members in chapters across the U.S., and the Illinois chapter is located in Chicago; and

Whereas, NAPNAP has chosen Chicago for its 25th Anniversary celebration from March 19-22, 1998; and

Whereas, the Anniversary theme is "25 Years of Challenges and Changes in Children's Health";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 15-21, 1998, as **PEDIATRIC NURSE PRACTITIONERS WEEK** in Illinois.

Issued by the Governor March 12, 1998.

Filed by the Secretary of State March 19, 1998.

98-129

INTERNATIONAL STUDENT AWARENESS MONTH

Whereas, citizens throughout the State of Illinois have become increasingly aware of the importance and many benefits of student exchange programs; and

Whereas, as they include these young International Students in their lives, the members of host families and host schools find an enriched quality of life and understanding of other nations and peoples, and the International Student's experience an enrichment of understanding of life in the United States of America and in our communities; and

Whereas, the citizens of Illinois are pleased to join in the Council For Education Travel USA's campaign to increase awareness of these benefits, especially in our communities' students, of the value of hosting International Students in our homes, by reaching out to encourage a lifelong journey of global peace and understanding;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1998 as **INTERNATIONAL STUDENT AWARENESS MONTH** in Illinois.

Issued by the Governor March 13, 1998.

Filed by the Secretary of State March 19, 1998.

98-130

JO WARFIELD DAY

Whereas, Jo Warfield has been with the State of Illinois in various capacities and agencies throughout the years; and

Whereas, Ms. Warfield has contributed immensely to the success of programs impacting women and children through her tireless dedication; and

Whereas, Ms. Warfield was the major force behind the development of the Parents Too Soon program, a joint effort between DCFS and IDPH; and

Whereas, Ms. Warfield was instrumental in the development of award winning videos for the substance abuse prevention, teen pregnancy prevention and women's substance abuse treatment; and

Whereas, Ms. Warfield provided the necessary leadership for the creation of a training video for new Project Success Communities; and

Whereas, Human Service agencies across state government will miss Jo's enthusiasm, creativity and dedication;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim, March 12, 1998, as **JO WARFIELD DAY** in Illinois on behalf of all those who have been impacted by Jo's work.

Issued by the Governor March 13, 1998.

Filed by the Secretary of State March 19, 1998.

98-131

LANDMARKS PRESERVATION COUNCIL OF ILLINOIS DAYS

Whereas, The Landmarks Preservation Council of Illinois was founded in 1972 and is celebrating its 26th year of advocating and educating for the preservation of Illinois' historical resources; and

Whereas, The Landmarks Preservation Council of Illinois is a statewide not-for-profit organization dedicated to the preservation of Illinois' historic resources; and

Whereas, The Landmarks Preservation Council of Illinois works with citizens, preservation organizations and governmental bodies throughout Illinois to preserve historic resources; and

Whereas, the preservation of historic resources is an integral part of understanding Illinois history and heritage; and

Whereas, The Landmarks Preservation Council of Illinois provides support for preservation through its Endangered Building grants, Community Preservation Leadership Workshops, Statewide Preservation Conference, Richard H. Driehaus Foundation Preservation Awards and the Ten Most Endangered Historic Places;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 24-25, 1998, as **LANDMARKS PRESERVATION COUNCIL OF ILLINOIS DAYS** in Illinois.

Issued by the Governor March 13, 1998.
Filed by the Secretary of State March 19, 1998.

98-132
MALCOLM X COLLEGE CAREER EXPO DAY

Whereas, Malcolm X College, one of the City Colleges of Chicago, serves a culturally rich and diverse community and is dedicated to "empowerment through education"; and

Whereas, Malcolm X College offers innovative and progressive programs in many specialized areas; and

Whereas, Malcolm X College's Career Development and Cooperative Education Center and its Advisory Board Members have assisted thousands of individuals striving for economic independence to prepare for and secure employment; and

Whereas, Malcolm X College's Ninth Annual Career Expo and Health Fair will be held March 25, 1998, and is expected to draw more than 2,000 students and community residents and more than 100 health facilities, corporations, government agencies, nonprofit organization, high schools and universities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 25, 1998, as **MALCOLM X COLLEGE CAREER EXPO DAY** in Illinois.

Issued by the Governor March 13, 1998.
Filed by the Secretary of State March 19, 1998.

98-133
TELECOMMUNICATOR WEEK

Whereas, public safety telecommunicators, specialists in operating state-of-the-art radio and computer aided communications systems, are a cornerstone of the public safety community; and

Whereas, telecommunicators access, monitor and disseminate information of critical importance to the safety of public officials and success of public safety goals on a continual basis; and

Whereas, these professional men and women effectively and efficiently function to help ensure the safety and protection of life, property and individual rights of the citizens of the State of Illinois; and

Whereas, it is appropriate that we demonstrate our appreciation of their knowledge, training, service and dedication;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 12-18, 1998, as **TELECOMMUNICATOR WEEK** in Illinois in recognition of the vital contributions telecommunicators make to the well-being of our citizens.

Issued by the Governor March 13, 1998.
Filed by the Secretary of State March 19, 1998.

98-134
APPRENTICESHIP WEEK

Whereas, apprenticeship training is a key component of developing skilled workers in various trades and crafts. It is part of a continuing program initiated by the government in 1937 and supported by industry and labor; and

Whereas, these supporters make cooperative efforts to encourage and improve apprenticeship training in Illinois in order to provide skilled journeymen in all trades; and

Whereas, the Biannual Illinois State Apprenticeship Conference will be held May 5-8, to promote the exchange of information and ideas to all crafts and trades;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3-9, 1998, as **APPRENTICESHIP WEEK** in Illinois in recognition of our continuing need for qualified journeymen who provide excellent craftsmanship.

Issued by the Governor March 16, 1998.
Filed by the Secretary of State March 19, 1998.

98-135
SAVINGS MONTH

Whereas, saving is vital to the financial security of families and future generations; and

Whereas, education on financial issues at an early age is an important first step toward lifelong awareness of the value of personal saving; and

Whereas, increased saving will also provide investment capital to keep the American economy globally competitive and help maintain our national standard of living; and

Whereas, the saving ethic has always been an esteemed part of the American character, with its strong emphasis on economic independence and self-sufficiency;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1998 as **SAVING MONTH** in Illinois.

Issued by the Governor March 16, 1998.
Filed by the Secretary of State March 19, 1998.

98-136
WOMEN EMPLOYED DAY

Whereas, today, women comprise more than one-half of the total workforce; and

Whereas, this year, Women Employed marks its Silver Anniversary - 25 years of expanding opportunities for women; and

Whereas, today, Women Employed is nationally recognized for its efforts to improve women's economic status and promote women's career advancement. These efforts include advocacy and public education campaigns to win critically needed changes in employment practices, family leave policies, child care options, and access to training and education, and innovative career development and employment services to support women and girls in pursuing their goals; and

Whereas, Women Employed is a leader in addressing the unfinished challenges of equal opportunity and advocating for welfare-to-work policies that recognize the need for access to education and training resources and child care services;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 8, 1998, as **WOMEN EMPLOYED DAY** in Illinois.

Issued by the Governor March 16, 1998.
Filed by the Secretary of State March 19, 1998.

98-137
WEEK WITHOUT VIOLENCE

Chicago Kent Law School Library

Whereas, Springfield Southeast High School students are working together to halt the spread of violence across our community; and

Whereas, these students are planning a "Week Without Violence" to focus on the problems of violence and to teach solutions to violence; and

Whereas, planned activities will focus on solutions to dating violence, family violence, gang violence and violence in our language; and

Whereas, students will sign a school pledge of nonviolence and will participate in a candlelight vigil to honor people who have lost their lives due to violence; and

Whereas, violence in our streets has too often spilled into our classrooms, and we must do all we can to stop it. I commend the student body of Springfield Southeast High School for the important activities planned this week to address the problems of violence in our society. You are making your school and your community a better place for all of us;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 30-April 4, 1998, as a WEEK WITHOUT VIOLENCE in Illinois and commend the students of Springfield Southeast High School for their efforts to address the effects of violence.

Issued by the Governor March 19, 1998.

Filed by the Secretary of State March 27, 1998.

98-138

DOCTOR'S DAY

Whereas, Doctor's Day, Monday, March 30, 1998, is designed to celebrate patient care by physicians and the marvelous advances in medical care for all Illinoisans; and

Whereas, Doctor's Day reminds all Illinois residents to commit themselves to exercise and good nutrition; and

Whereas, Doctor's Day celebrates the trust which exists between the physician and the patient; and

Whereas, Doctor's Day commemorates the birthday of Crawford W. Long, M.D., a Georgia physician who first used ether anesthesia; and

Whereas, Doctor's Day was adopted by the U.S. Congress in 1958 and is celebrated each year on March 30; and

Whereas, the 11,000 physicians of the Chicago Medical Society are working together to promote the best in care for their patients;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 30, 1998, as DOCTOR'S DAY in Illinois.

Issued by the Governor March 23, 1998.

Filed by the Secretary of State March 27, 1998.

98-139

LABORATORY WEEK

Whereas, every year in April, CDH Pathology Laboratory participants participate in activities to celebrate National Laboratory Week; and

Whereas, CDH Pathology Laboratory participants provide many services that help make Central DuPage Hospital a leader in the health care community; and

Whereas, CDH Pathology Laboratory participants have raised money for Marklund Home and the DuPage shelter for women; and

Whereas, CDH Pathology Laboratory participants have provided coloring books for

pediatric patients to educate and entertain them and have provided tours for grade school classes to teach them about how a laboratory functions or contributes to the health of the community; and

Whereas, this year's theme is "Laboratory Professionals: Making the World a Healthier Place;" and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 12-18, 1998, as LABORATORY WEEK in Illinois.

Issued by the Governor March 23, 1998.

Filed by the Secretary of State March 27, 1998.

98-140

MISS AMERICA 1998, KATHERINE SHINDLE RECOGNIZED

Whereas, the Miss America Organization is the largest scholarship foundation for women in the world, dispersing more than thirty-two million dollars a year in scholarship assistance, through the local, state and national levels of competition; and

Whereas, Miss Katherine Shindle of Evanston was the representative of Illinois in the 1997 Miss America Pageant; and

Whereas, as Miss America 1998, Kate Shindle is reaching out to all people with her platform issue AIDS Prevention: Education in Action; and

Whereas, Kate has been traveling throughout the country, educating the public on AIDS prevention and related issues since being crowned Miss America 1998; and

Whereas, Kate Shindle is an exemplary role model, not only for today's youth, but all people reflecting the admirable qualities of perseverance, determination, commitment and a sincere concern about those in the world around her; and

Whereas, the personal achievement of Kate Shindle is a shining example of the human spirit and what can be accomplished through hard work;

Therefore, I, Jim Edgar, Governor of the State of Illinois, welcome Miss America 1998, Katherine Shindle to the State House this March 24, 1998, and recognize and commend her for her work on behalf of all Americans.

Issued by the Governor March 23, 1998.

Filed by the Secretary of State March 27, 1998.

98-141

MOTORCYCLE AWARENESS MONTH

Whereas, Illinois is a national leader in motorcycle education; and

Whereas, the Illinois Department of Transportation has been conducting the Illinois Cycle Rider Safety Training Program since 1976; and

Whereas, the program is supported by state motorcycle registration fees and has been responsible for training more than 144,000 cyclists; and

Whereas, there is a need to enhance public awareness of the increased presence of motorcyclists on our roadways;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1998 as MOTORCYCLE AWARENESS MONTH in Illinois.

Issued by the Governor March 23, 1998.

Filed by the Secretary of State March 27, 1998.

98-142

RECORDS AND INFORMATION MANAGEMENT WEEK

Whereas, the management of records and information is critical to every business organization and government agency in facing the complexities of competition, customer service and globalization; and

Whereas, technologies for storing information are expanding the amounts of information that can be acquired, with increasing longevity; and

Whereas, the need to use information to create value and plan strategically is a driving force in today's world; and

Whereas, control of records and information is necessary for reduction of risk and liability as well as for compliance with global standards; and

Whereas, the citizens of Illinois should recognize the important service performed by records and information professionals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 5-11, 1998, as **RECORDS AND INFORMATION MANAGEMENT WEEK** in Illinois.

Issued by the Governor March 23, 1998.

Filed by the Secretary of State March 27, 1998.

98-143

SHARED HOUSING WEEK

Whereas, shared housing, innovated programs that match unrelated individuals to share homes and apartments or shared group living homes, provides affordable living arrangements that offer economic benefit, companionship and personal assistance for thousands of Illinois citizens; and

Whereas, shared housing offers older adults and people with disabilities a housing alternative that enables them to remain in their community; and

Whereas, shared housing provides an economical housing option to people of all ages in transitional periods such as divorce, loss of spouse, company downsizing or educational pursuits; and

Whereas, shared housing offers participants increased security, help with everyday chores, personal care, other supportive assistance, and for some home providers, a source of income that allow them to continue living an independent, productive lifestyle; and

Whereas, shared housing programs are sponsored by recognized community-based, non-profit social service, health and welfare organizations where home matches are carefully screened and monitored by professionals to insure a compatible match or a comfortable shared group living arrangement; and

Whereas, shared housing benefits society by reducing the need for Medicaid subsidized institutionalization, reduces the demand for scarce subsidized housing, and provides a better quality standard of living for all participants; and

Whereas, the Illinois Shared Housing Network recognizes the need to increase state and community awareness for shared housing programs; and

Whereas, shared living residences for older persons, an additional shared housing alternative, also offer the benefits of affordability, companionship and community living;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 17-23, 1998, as **SHARED HOUSING WEEK** in Illinois.

Issued by the Governor March 23, 1998.

Filed by the Secretary of State March 27, 1998.

98-144

BLACK WOMEN'S LEADERSHIP COUNCIL DAYS

Whereas, the Black Women's Leadership Council (BWLC) will hold its 11th Annual National Conference, May 1-3, 1998, at the Wyndham Hotel and Resorts in Itasca, Illinois; and

Whereas, the theme of the conference is "Our Heritage---Our Guide to the Next Millennium;" and

Whereas, BWLC is a national organization committed to the professional

development of black women at Xerox Corporation; and

Whereas, established in 1986, the Council created a vehicle and platform that advances professional development and addresses the issues of diversity unique to Black women in the corporate workplace; and

Whereas, BWLC forges partnerships with senior management that facilitate the hiring, retention and development of Black women, and satisfies business needs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1-3, 1998 as **BLACK WOMEN'S LEADERSHIP COUNCIL DAYS** in Illinois.

Issued by the Governor March 24, 1998.

Filed by the Secretary of State March 27, 1998.

98-145

GRADUATE AND PROFESSIONAL STUDENT APPRECIATION

Whereas, the National Association of Graduate-Professional Students (NAGPS) is a national organization of graduate students, graduate student associations and graduate schools; and

Whereas, founded in 1986, NAGPS will celebrate its 12th Anniversary this year; and

Whereas, since 1989, NAGPS has been based in Wilmette, Illinois; and

Whereas, there are a number of Illinois universities that are members of, and active in, NAGPS. These include: Southern Illinois University/Carbondale, Illinois State University, Northern Illinois University, University of Illinois/Urban-Champaign, University of Illinois-Chicago, Chicago Medical School, Loyola University Chicago and Northwestern University; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 6-12, 1998, as **GRADUATE AND PROFESSIONAL STUDENT APPRECIATION WEEK** in Illinois.

Issued by the Governor March 24, 1998.

Filed by the Secretary of State March 27, 1998.

98-146

ILLINOIS STATE REDBIRDS CONGRATULATED

Whereas, this season marks 100 years of basketball at Illinois State University; and

Whereas, the 1997/1998 Illinois State Redbirds Men's Basketball Team completed one of its most successful seasons in history with a 25-6 record; and

Whereas, the Redbirds won the Missouri Valley Conference regular season title and the MVC tournament giving ISU an automatic berth in the NCAA tournament; and

Whereas, in the opening round of the NCAA tournament in Sacramento, the

Redbirds defeated the Tennessee Volunteers 82-81 in overtime on a last second layup by Dan Muller, in one of the tournament's most exciting games; and Whereas, forward Rico Hill led the team in scoring and rebounding for the season and was named Missouri Valley Player of the Year. Coach Kevin Stallings took home Coach of the Year honors; and

Whereas, the team consists of Seniors Rob Gibbons, Steve Hansell, Dan Muller, Skipp Schaeffbauer, Jamar Smiley and LeRoy Watkins; Juniors Kyle Cartmill, Rico Hill, Ben Holmstrom, L. Dee Murdock, Kenneth Pierson, Sean Riley and Ronald van Velzen; Sophomores Ryan Crowley, Joe Hein and Nic Stotler. The coaching staff includes Head Coach Kevin Stallings, Assistant Coaches, Chad Altadonna, King Rice and Tom Richardson, and Athletic Trainer John Munn; and Whereas, the team grade point average recently reached an eight-year high and the Redbirds have produced three GTE Academic All-District players and two Academic All-American over the last three years alone; and

Whereas, the Redbirds community outreach includes participation in Red Ribbon Week, D.A.R.E., Christmas Party for Children of Unemployed Families, scouting activities, reading projects, food gathering activities at games and Jump Rope For Heart among others;

Therefore, I, Jim Edgar, Governor of the State of Illinois, am pleased to congratulate the Illinois State Redbirds on 100 years of basketball and a very successful 1997/1998 season.

Issued by the Governor March 24, 1998.

Filed by the Secretary of State March 27, 1998.

98-147

JEFFERSON AWARDS DAY

Whereas, The American Institute for Public Service was founded, in 1972, by Jacqueline Kennedy Onassis, US Senator Robert Taft, Jr. and Sam Beard to establish a nationally recognized award for outstanding community and public service --- the Jefferson Award; and

Whereas, on the local level, a nationwide network of Jefferson Awards media sponsors - newspapers, television stations and cable systems - solicits nominations of people who work to better their communities through volunteer and community service; and

Whereas, the Jefferson Awards honor the highest ideals and achievements in public service; and

Whereas, they recognize the unique dedication, sacrifices and accomplishments of the unsung heroes in our community; and

Whereas, by honoring the Jefferson Award recipients, it is the goal of the American Institute for Public Service to inspire others to become involved in community and public service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25, 1998, as JEFFERSON AWARDS DAY in Illinois.

Issued by the Governor March 24, 1998.

Filed by the Secretary of State March 27, 1998.

98-148

PUERTO RICAN CHAMBER OF COMMERCE OF ILLINOIS DAY

Whereas, the Puerto Rican Chamber of Commerce of Illinois was founded in 1963 and throughout the years has been involved in all aspects of the

community, including but not limited to economic and social development; and Whereas, Puerto Rican Chamber of Commerce of Illinois has developed the Hispanic Business Women's Conference to expose prospective businesswomen into areas of business not previously available to them; and

Whereas, Puerto Rican Chamber of Commerce of Illinois has provided assistance to the flood victims in Puerto Rico and earthquake victims in Mexico as well as providing vital assistance to the community; and

Whereas, the Puerto Rican Chamber of Commerce of Illinois will be celebrating its 35th Anniversary and Awards Banquet on April 17 at the Crystal Palace Banquet Hall;

Therefore, I Jim Edgar, Governor of the State of Illinois proclaim April 17, 1998 as PUERTO RICAN CHAMBER OF COMMERCE OF ILLINOIS DAY in Illinois and urge all Illinois citizens to recognize the numerous contributions the chamber has made to the state.

Issued by the Governor March 24, 1998.

Filed by the Secretary of State March 27, 1998.

98-149

COMMUNITY THEATRE WEEK

Whereas, community theatres across the State of Illinois enrich their communities with live theatre; and

Whereas, community theatre provides an outlet for creative expression for people in all walks of life and constructive programs for youth and their families; and

Whereas, community theatre is a collaborative project building teamwork, friendships, and community pride; and

Whereas, community theatre contributes to the economic development and quality of life of Illinois; and

Whereas, hundreds of Illinoisans volunteer and contribute considerable talent, time, love and energy to community theatre; and

Whereas, community theatre reaches thousands of people in Illinois in communities both large and small making it the most often attended performing art;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 18-25, 1998, as COMMUNITY THEATRE WEEK in Illinois.

Issued by the Governor March 25, 1998.

Filed by the Secretary of State March 27, 1998.

98-150

CHICAGO FEDERAL EXECUTIVE BOARD'S
EMPLOYEE OF THE YEAR AWARDS DAY

Whereas, Naval Training Center, Great Lakes, Illinois, is hosting the 41st Federal Employee of the Year Awards Ceremony on May 8, 1998; and

Whereas, this prestigious ceremony will be held at Navy pier in Chicago and recognizes federal employees from eight surrounding counties who have distinguished themselves through dedicated and superior service to the American public; and

Whereas, this year's theme is "Quality, The Keystone of Excellence;" and Whereas, awards will be given in 11 professional occupational categories; and

Whereas, attendance is expected to exceed 1,300 and will include many distinguished guests; and

Whereas, in conjunction with the Awards Ceremony, college scholarships totaling \$4,000 will be awarded to two local high school seniors based on demonstrated financial hardship, grade point average, community service and a submitted written essay on the topic of "Achieving Excellence in Public Service;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 8, 1998, as *CHICAGO FEDERAL EXECUTIVE BOARD'S EMPLOYEE OF THE YEAR AWARDS DAY* in Illinois.

Issued by the Governor March 25, 1998.

Filed by the Secretary of State March 27, 1998.

98-151

WEEK OF THE YOUNG CHILD

Whereas, the Capital Area Association for the Education of Young Children (Capital Area AEYC) is a membership organization of early childhood professionals who serve and act on behalf of children; and

Whereas, the membership of Capital Area AEYC strives to advocate and educate on behalf of the rights and needs of young children; and

Whereas, the Week of the Young Child is an advocacy campaign sponsored by the National Association for the Education of Young Children and supported by Capital Area AEYC together with other AEYC affiliates across Illinois; and

Whereas, the purpose of Week of the Young Child is to mobilize our communities to positive action on behalf of the rights and needs of young children; and

Whereas, the week of April 19-25, 1998, has been set aside as Week of the Young Child, with the focus on the need for high-quality early childhood services for all children through the combined efforts of parents, community leaders, and teachers in collaboration with other organizations throughout Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 19-25, 1998, as the *WEEK OF THE YOUNG CHILD* in Illinois and urge all citizens to take cognizance of the special events arranged for this time.

Issued by the Governor March 25, 1998.

Filed by the Secretary of State March 27, 1998.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
O - JCAR* Statement Of Objections	W - Withdrawal to meet JCAR*
O - Objections	
RQ - Request for Correction	MR - Modification and Refusal
EC - Expedited Corrections	
*Joint Committee on Administrative Rules	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

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8 Ill. Adm. Code 270 Illinois State Fair, And Duquoin State Fair, Non-Fair Space Rental And The General Operation Of The State Fairgrounds (P-6280)
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This Sections Affected Index lists, by Title, each Section of a Part on which rulemaking has occurred in this volume (calendar year) of the *Illinois Register*. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash, e.g. 11 Ill. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/97; A-6520). The codes are listed below.

TYPE OF RULE MAKING

am = amend to existing Section
n = New Section
r = repeal of existing Section
re = recodified
= renumbered

ACTION CODE

P = Proposed Rule
A = Adopted Rule
PF = Prohibited Filing
E = Emergency
S = Suspension
O = JCAR Objection
PP = Peremptory
F = Failure to Remedy Objections
M = Modification
W = Withdrawal
RC = Recommendations
RS = Response
CC = Codification Changes
EC = Expedited Correction
RQ = Request for Correction
C = Correction
R = Refusal

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100.140 am (P-5416)
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100.370 am (P-5416)
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3.100 am (P-6265)
3.110 am (P-6265)
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125.142 am (PP-3602)
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270.350 am (P-6280)
600.330 n (P-13209/97;A-1141)
600.Tb.C am (P-13209/97;A-1141)
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1400.145 am (P-7060/97;A-3467)
1400.146 am (P-7060/97;A-3467)
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603.50 am (P-13281/97;A-3594)
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130.1123 am (P-8861/97;A-1933)
130.1124 am (P-8861/97;A-1933)
130.1126 am (P-8861/97;A-1933)
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130.1130 n (P-8861/97;A-1933)
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130.2130 am (P-2763)
180.15 n (P-1117)
510.10 am (P-2007)
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510.50 am (P-2007)
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510.110 am (P-2007)
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510.220 am (P-2007)
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120.10 n (P-13480/97;A-2591)
130.30 am (P-6428)
130.50 am (P-14144/9;A-3076)
130.70 am (P-14144/9;A-3076)
130.90 am (P-6428)
130.140 am (P-6428)
590.10 am (P-12805/97;A-2182)
590.80 am (P-12805/97;A-2182)
650.10 am (P-2690)
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650.23 am (P-2690)
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650.60 am (P-2690)
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660.10 am (P-2708)
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670.60 am (P-2678)
710.10 am (P-12465/97;A-2192)
710.20 am (P-12465/97;A-2192)
710.22 am (P-12465/97;A-2192)
710.28 am (P-12465/97;A-2192)
710.30 am (P-12465/97;A-2192)
710.50 am (P-12465/97;A-2192)
710.55 n (P-12465/97;A-2192)
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810.45 am (P-15309/97;A-4930)
810.50 am (P-15309/97;A-4930)
810.70 am (P-15309/97;A-4930)
810.90 am (P-15309/97;A-4930)
830.20 am (P-16948/97;A-6697)
830.30 am (P-16948/97;A-6697)
830.40 am (P-16948/97;A-6697)
830.60 am (P-16948/97;A-6697)
830.70 am (P-16948/97;A-6697)
830.90 am (P-16948/97;A-6697)
1522.20 n (P-12993/97;A-2141)
1522.30 n (P-12993/97;A-2141)
1522.40 n (P-12993/97;A-2141)
1522.50 n (P-12993/97;A-2141)
1522.60 n (P-12993/97;A-2141)
1522.70 n (P-12993/97;A-2141)
1522.80 n (P-12993/97;A-2141)
1522.90 n (P-12993/97;A-2141)
1522.Ex.A n (P-12993/97;A-2141)
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1536.10 am (P-2651)
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1536.30 am (P-2651)
1536.40 am (P-2651)
1536.50 am (P-2651)

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504.405	am	(P-12281/97;A-1206)	275.20	am	(P-4583)
504.410	am	(P-12281/97;A-1206)	275.90	am	(P-4583)
504.420	am	(P-12281/97;A-1206)	275.115	n	(P-4583)
504.430	am	(P-12281/97;A-1206)	650.10	am	(P-2690)
504.440	am	(P-12281/97;A-1206)	650.20	am	(P-2690)
504.450	am	(P-12281/97;A-1206)	650.21	am	(P-2690)
504.460	am	(P-12281/97;A-1206)	650.22	am	(P-2690)
504.470	am	(P-12281/97;A-1206)	650.30	am	(P-3252;(E-1479)
504.480	am	(P-12281/97;A-1206)	650.30	am	(P-3252;(E-1479)
504.490	am	(P-12281/97;A-1206)	650.40	am	(P-2690)
504.500	am	(P-12281/97;A-1206)	650.50	am	(P-6005)
504.510	am	(P-12281/97;A-1206)	650.60	am	(P-3252;(E-1479)
504.605	am	(P-12281/97;A-1206)	650.65	am	(P-2690)
504.660	am	(P-12281/97;A-1206)	650.67	am	(P-2690)
504.670	n	(P-12281/97;A-1206)	650.70	am	(E-5104)
504.715	am	(P-12281/97;A-1206)	1501.302	am	(P-5968/97;A-2087)
504.720	am	(P-12281/97;A-1206)	1501.501	am	(P-5968/97;A-2087)
504.730	am	(P-12281/97;A-1206)	1501.521	n	(P-5968/97;A-2087)
504.800	am	(P-12281/97;A-1206)	2700.20	am	(P-2809)
504.805	am	(P-12281/97;A-1206)	2700.30	am	(P-2809)
504.810	am	(P-12281/97;A-1206)	2700.40	am	(P-2809)
504.820	am	(P-12281/97;A-1206)	2700.50	am	(P-2809)
504.830	am	(P-12281/97;A-1206)	2700.55	am	(P-2809)
504.840	am	(P-12281/97;A-1206)	2700.60	am	(P-2809)
504.850	am	(P-12281/97;A-1206)	2700.80	am	(P-2809)
504.860	am	(P-12281/97;A-1206)	2720.20	am	(P-2788)
504.870	am	(P-12281/97;A-1206)	2720.25	am	(P-2788)
504.910	am	(P-12281/97;A-1206)	2720.30	am	(P-2788)
504.920	am	(P-12281/97;A-1206)	2720.35	am	(P-2788)
504.930	am	(P-12281/97;A-1206)	2720.40	am	(P-2788)
504.940	am	(P-12281/97;A-1206)	2720.41	am	(P-2788)
504.950	am	(P-12281/97;A-1206)	2720.42	am	(P-2788)
504.960	am	(P-12281/97;A-1206)	2720.50	am	(P-2788)
504.970	am	(P-12281/97;A-1206)	2720.60	am	(P-2788)
504.980	am	(P-12281/97;A-1206)	2720.70	am	(P-2788)
504.990	am	(P-12281/97;A-1206)	2720.80	am	(P-2788)
504.110	am	(P-12274/97;A-1199)	2720.130	am	(P-2788)
504.115	n	(P-12274/97;A-1199)	2720.220	am	(P-2788)
504.120	am	(P-12274/97;A-1199)	2720.10	am	(P-2788)
504.130	am	(P-12274/97;A-1199)	2720.20	am	(P-2788)
504.140	am	(P-12274/97;A-1199)	2720.30	am	(P-2788)
504.150	am	(P-12274/97;A-1199)	2720.40	am	(P-2788)
504.205	am	(P-12274/97;A-1199)	2720.50	am	(P-2788)
504.210	am	(P-12274/97;A-1199)	2720.60	am	(P-2788)
504.220	am	(P-12274/97;A-1199)	2720.70	am	(P-2788)
504.230	am	(P-12274/97;A-1199)	2720.80	am	(P-2788)
504.240	am	(P-12274/97;A-1199)	2720.90	am	(P-2788)
504.250	am	(P-12274/97;A-1199)	2721.00	am	(P-2788)
504.260	am	(P-12274/97;A-1199)	2721.10	am	(P-2788)
504.270	am	(P-12274/97;A-1199)	2721.20	am	(P-2788)
504.275	am	(P-12274/97;A-1199)	2721.30	am	(P-2788)
504.280	am	(P-12274/97;A-1199)	2721.40	am	(P-2788)
504.290	am	(P-12274/97;A-1199)	2721.50	am	(P-2788)
504.300	am	(P-12274/97;A-1199)	2721.60	am	(P-2788)
504.350	am	(P-12274/97;A-1199)	2721.70	am	(P-2788)
504.400	am	(P-12274/97;A-1199)	2721.80	am	(P-2788)
504.450	am	(P-12274/97;A-1199)	2721.90	am	(P-2788)
504.500	am	(P-12274/97;A-1199)	2722.00	am	(P-2788)
504.550	am	(P-12274/97;A-1199)	2722.10	am	(P-2788)
504.600	am	(P-12274/97;A-1199)	2722.20	am	(P-2788)
504.650	am	(P-12274/97;A-1199)	2722.30	am	(P-2788)
504.700	am	(P-12274/97;A-1199)	2722.40	am	(P-2788)
504.750	am	(P-12274/97;A-1199)	2722.50	am	(P-2788)
504.800	am	(P-12274/97;A-1199)	2722.60	am	(P-2788)
504.850	am	(P-12274/97;A-1199)	2722.70	am	(P-2788)
504.900	am	(P-12274/97;A-1199)	2722.80	am	(P-2788)
504.950	am	(P-12274/97;A-1199)	2722.90	am	(P-2788)
505.000	am	(P-12274/97;A-1199)	2723.00	am	(P-2788)
505.050	am	(P-12274/97;A-1199)	2723.10	am	(P-2788)
505.100	am	(P-12274/97;A-1199)	2723.20	am	(P-2788)
505.150	am	(P-12274/97;A-1199)	2723.30	am	(P-2788)
505.200	am	(P-12274/97;A-1199)	2723.40	am	(P-2788)
505.250	am	(P-12274/97;A-1199)	2723.50	am	(P-2788)
505.300	am	(P-12274/97;A-1199)	2723.60	am	(P-2788)
505.350	am	(P-12274/97;A-1199)	2723.70	am	(P-2788)
505.400	am	(P-12274/97;A-1199)	2723.80	am	(P-2788)
505.450	am	(P-12274/97;A-1199)	2723.90	am	(P-2788)
505.500	am	(P-12274/97;A-1199)	2724.00	am	(P-2788)
505.550	am	(P-12274/97;A-1199)	2724.10	am	(P-2788)
505.600	am	(P-12274/97;A-1199)	2724.20	am	(P-2788)
505.650	am	(P-12274/97;A-1199)	2724.30	am	(P-2788)
505.700	am	(P-12274/97;A-1199)	2724.40	am	(P-2788)
505.750	am	(P-12274/97;A-1199)	2724.50	am	(P-2788)
505.800	am	(P-12274/97;A-1199)	2724.60	am	(P-2788)
505.850	am	(P-12274/97;A-1199)	2724.70	am	(P-2788)
505.900	am	(P-12274/97;A-1199)	2724.80	am	(P-2788)
505.950	am	(P-12274/97;A-1199)	2724.90	am	(P-2788)
506.000	am	(P-12274/97;A-1199)	2725.00	am	(P-2788)
506.050	am	(P-12274/97;A-1199)	2725.10	am	(P-2788)
506.100	am	(P-12274/97;A-1199)	2725.20	am	(P-2788)
506.150	am	(P-12274/97;A-1199)	2725.30	am	(P-2788)
506.200	am	(P-12274/97;A-1199)	2725.40	am	(P-2788)
506.250	am	(P-12274/97;A-1199)	2725.50	am	(P-2788)
506.300	am	(P-12274/97;A-1199)	2725.60	am	(P-2788)
506.350	am	(P-12274/97;A-1199)	2725.70	am	(P-2788)
506.400	am	(P-12274/97;A-1199)	2725.80	am	(P-2788)
506.450	am	(P-12274/97;A-1199)	2725.90	am	(P-2788)
506.500	am	(P-12274/97;A-1199)	2726.00	am	(P-2788)
506.550	am	(P-12274/97;A-1199)	2726.10	am	(P-2788)
506.600	am	(P-12274/97;A-1199)	2726.20	am	(P-2788)
506.650	am	(P-12274/97;A-1199)	2726.30	am	(P-2788)
506.700	am	(P-12274/97;A-1199)	2726.40	am	(P-2788)
506.750	am	(P-12274/97;A-1199)	2726.50	am	(P-2788)
506.800	am	(P-12274/97;A-1199)	2726.60	am	(P-2788)
506.850	am	(P-12274/97;A-1199)	2726.70	am	(P-2788)
506.900	am	(P-12274/97;A-1199)	2726.80	am	(P-2788)
506.950	am	(P-12274/97;A-1199)	2726.90	am	(P-2788)
507.000	am	(P-12274/97;A-1199)	2727.00	am	(P-2788)
507.050	am	(P-12274/97;A-1199)	2727.10	am	(P-2788)
507.100	am	(P-12274/97;A-1199)	2727.20	am	(P-2788)
507.150	am	(P-12274/97;A-1199)	2727.30	am	(P-2788)
507.200	am	(P-12274/97;A-1199)	2727.40	am	(P-2788)
507.250	am	(P-12274/97;A-1199)	2727.50	am	(P-2788)
507.300	am	(P-12274/97;A-1199)	2727.60	am	(P-2788)
507.350	am	(P-12274/97;A-1199)	2727.70	am	(P-2788)
507.400	am	(P-12274/97;A-1199)	2727.80	am	(P-2788)
507.450	am	(P-12274/97;A-1199)	2727.90	am	(P-2788)
507.500	am	(P-12274/97;A-1199)	2728.00	am	(P-2788)
507.550	am	(P-12274/97;A-1199)	2728.10	am	(P-2788)
507.600	am	(P-12274/97;A-1199)	2728.20	am	(P-2788)
507.650	am	(P-12274/97;A-1199)	2728.30	am	(P-2788)
507.700	am	(P-12274/97;A-1199)	2728.40	am	(P-2788)
507.750	am	(P-12274/97;A-1199)	2728.50	am	(P-2788)
507.800	am	(P-12274/97;A-1199)	2728.60	am	(P-2788)
507.850	am	(P-12274/97;A-1199)	2728.70	am	(P-2788)
507.900	am	(P-12274/97;A-1199)	2728.80	am	(P-2788)
507.950	am	(P-12274/97;A-1199)	2728.90	am	(P-2788)
508.000	am	(P-12274/97;A-1199)	2729.00	am	(P-2788)
508.050	am	(P-12274/97;A-1199)	2729.10	am	(P-2788)
508.100	am	(P-12274/97;A-1199)	2729.20	am	(P-2788)
508.150	am	(P-12274/97;A-1199)	2729.30	am	(P-2788)
508.200	am	(P-12274/97;A-1199)	2729.40	am	(P-2788)
508.250	am	(P-12274/97;A-1199)	2729.50	am	(P-2788)
508.300	am	(P-12274/97;A-1199)	2729.60	am	(P-2788)
508.350	am	(P-12274/97;A-1199)	2729.70	am	(P-2788)
508.400	am	(P-12274/97;A-1199)	2729.80	am	(P-2788)
508.450	am	(P-12274/97;A-1199)	2729.90	am	(P-2788)
508.500	am	(P-12274/97;A-1199)	2730.00	am	(P-2788)
508.550	am	(P-12274/97;A-1199)	2730.10	am	(P-2788)
508.600	am	(P-12274/97;A-1199)	2730.20	am	(P-2788)
508.650	am	(P-12274/97;A-1199)	2730.30	am	(P-2788)
508.700	am	(P-12274/97;A-1199)	2730.40	am	(P-2788)
508.750	am	(P-12274/97;A-1199)	2730.50	am	(P-2788)
508.800	am	(P-12274/97;A-1199)	2730.60	am	(P-2788)
508.850	am	(P-12274/97;A-1199)	2730.70	am	(P-2788)
508.900	am	(P-12274/97;A-1199)	2730.80	am	(P-2788)
508.950	am	(P-12274/97;A-1199)	2730.90	am	(P-2788)
509.000	am	(P-12274/97;A-1199)	2731.00	am	(P-2788)
509.050	am	(P-12274/97;A-1199)	2731.10	am	(P-2788)
509.100	am	(P-12274/97;A-1199)	2731.20	am	(P-2788)
509.150	am	(P-12274/97;A-1199)	2731.30	am	(P-2788)
509.200	am	(P-12274/97;A-1199)	2731.40	am	(P-2788)
509.250	am	(P-12274/97;A-1199)	2731.50	am	(P-2788)
509.300	am	(P-12274/97;A-1199)	2731.60	am	(P-2788)
509.350	am	(P-12274/97;A-1199)	2731.70	am	(P-2788)
509.400	am	(P-12274/97;A-1199)	2731.80	am	(P-2788)
509.450	am	(P-12274/97;A-1199)	2731.90	am	(P-2788)
509.500	am	(P-12274/97;A-1199)	2732.00	am	(P-2788)
509.550	am	(P-12274/97;A-1199)	2732.10	am	(P-2788)
509.600	am	(P-12274/97;A-1199)	2732.20	am	(P-2788)
509.650	am	(P-12274/97;A-1199)	2732.30	am	(P-2788)
509.700	am	(P-12274/97;A-1199)	2732.40	am	(P-2788)
509.750	am	(P-12274/97;A-1199)	2732.50	am	(P-2788)
509.800	am	(P-12274/97;A-1199)	2732.60	am	(P-2788)
509.850	am	(P-12274/97;A-1199)	2732.70	am	(P-2788)
509.900	am	(P-12274/97;A-1199)	2732.80	am	(P-2788)
509.950	am	(P-12274/97;A-1199)	2732.90	am	(P-2788)
510.000	am	(P-12274/97;A-1199)	2733.00	am	(P-2788)
510.050	am	(P-12274/97;A-1199)	2733.10	am	(P-

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662.610 n	(P-9947/97:A-3782)	703.240 am	(P-10667/97:A-553)		
662.620 n	(P-9947/97:A-3782)	703.248 n	(P-10667/97:A-553)		
662.630 n	(P-9947/97:A-3782)	703.260 am	(P-10667/97:A-553)		
662.640 n	(P-9947/97:A-3782)	720.102 am	(P-10235/97:A-256)		
662.650 n	(P-9947/97:A-3782)	720.110 am	(P-14755/97:A-256)		
662.660 n	(P-9947/97:A-3782)	720.111 am	(P-10235/97:A-256)		
662.670 n	(P-9947/97:A-3782)	721.109 am	(P-14755/97:A-256)		
662.710 n	(P-9947/97:A-3782)	721.104 am	(P-10251/97:A-275)		
662.720 n	(P-9947/97:A-3782)	721.105 am	(P-10251/97:A-275)		
662.730 n	(P-9947/97:A-3782)	721.106 am	(P-10251/97:A-275)		
662.740 n	(P-9947/97:A-3782)	721.132 am	(P-10251/97:A-275)		
662.750 n	(P-9947/97:A-3782)	721.133 am	(P-10251/97:A-275)		
662.810 n	(P-9947/97:A-3782)	Ap. G	(P-10251/97:A-275)		
662.820 n	(P-9947/97:A-3782)	Ap. H	(P-10712/97:A-603)		
662.830 n	(P-9947/97:A-3782)	722.110 am	(P-10712/97:A-603)		
662.910 n	(P-9947/97:A-3782)	722.134 am	(P-10712/97:A-603)		
662.920 n	(P-9947/97:A-3782)	722.153 am	(P-10712/97:A-603)		
662.930 n	(P-9947/97:A-3782)	722.156 am	(P-10712/97:A-603)		
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662.1010 n	(P-9947/97:A-3782)	722.180 n	(P-10712/97:A-603)		
662.1020 n	(P-9947/97:A-3782)	722.181 n	(P-10712/97:A-603)		
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662.1120 n	(P-9947/97:A-3782)	722.184 n	(P-10712/97:A-603)		
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663.120 n	(P-9931/97:A-3764)	722.187 n	(P-10712/97:A-603)		
663.130 n	(P-9931/97:A-3764)	722.189 n	(P-10712/97:A-603)		
663.140 n	(P-9931/97:A-3764)	723.110 am	(P-10699/97:A-589)		
663.150 n	(P-9931/97:A-3764)	723.120 am	(P-10699/97:A-589)		
663.160 n	(P-9931/97:A-3764)	724.112 am	(P-10742/97:A-636)		
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663.220 n	(P-9931/97:A-3764)	724.171 am	(P-10742/97:A-636)		
663.230 n	(P-9931/97:A-3764)	724.279 am	(P-10742/97:A-636)		
663.230 n	(P-9931/97:A-3764)	724.300 am	(P-10742/97:A-636)		
663.240 n	(P-9931/97:A-3764)	724.332 am	(P-10742/97:A-636)		
663.250 n	(P-9931/97:A-3764)	724.414 am	(P-10742/97:A-636)		
663.260 n	(P-9931/97:A-3764)	724.930 am	(P-10742/97:A-636)		
663.270 n	(P-9931/97:A-3764)	724.933 am	(P-10742/97:A-636)		
663. Ap. A	(P-9931/97:A-3764)	724.934 am	(P-10742/97:A-636)		
702.110 am	(P-10648/97:A-532)	724.935 am	(P-10742/97:A-636)		
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703.180 am	(P-10667/97:A-553)	724.955 am	(P-10742/97:A-636)		
703.183 am	(P-10667/97:A-553)	724.958 am	(P-10742/97:A-636)		
703.191 n	(P-10667/97:A-553)	724.964 am	(P-10742/97:A-636)		
703.192 n	(P-10667/97:A-553)	724.980 am	(P-10742/97:A-636)		
703.193 n	(P-10667/97:A-553)	724.982 am	(P-10742/97:A-636)		
703.221 am	(P-10667/97:A-553)	724.983 am	(P-10742/97:A-636)		
703.223 am	(P-10667/97:A-553)	724.984 am	(P-10742/97:A-636)		
703.225 am	(P-10667/97:A-553)	724.985 am	(P-10742/97:A-636)		
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811.310 am	(P-4255)				
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110.10 am	(P-3258)(E-1485)				
110.15 n	(P-3258)(E-1485)				
110.20 am	(P-3258)(E-1485)				
110.30 am	(P-3258)(E-1485)				
110.40 am	(P-3258)(E-1485)				
110.50 am	(P-3258)(E-1485)				
110.60 am	(P-3258)(E-1485)				
110.65 am	(P-3258)(E-1485)				
110.70 am	(P-3258)(E-1485)				
110.80 am	(P-3258)(E-1485)				
110.90 am	(P-3258)(E-1485)				
110.100 am	(P-3258)(E-1485)				
110.110 am	(P-3258)(E-1485)				
110.120 am	(P-3258)(E-1485)				
110.130 am	(P-3258)(E-1485)				
110.140 am	(P-3258)(E-1485)				
110.150 am	(P-3258)(E-1485)				
110.160 am	(P-3258)(E-1485)				
110.170 am	(P-3258)(E-1485)				
110.180 am	(P-3258)(E-1485)				
110.190 am	(P-3258)(E-1485)				
110.200 am	(P-3258)(E-1485)				
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	930.60	am	(P-4917/97;A-3058)	(P-12889/97;A-4851)
	930.70	am	(P-4917/97;A-3058)	(P-12889/97;A-4851)
	930.80	am	(P-4917/97;A-3058)	(P-12889/97;A-4851)
	930.90	am	(P-4917/97;A-3058)	(P-12889/97;A-4851)
	930.100	am	(P-4917/97;A-3058)	(P-12889/97;A-4851)
	936.10	n	(P-5177)	(P-12944/97;A-4893)
	936.20	n	(P-5177)	(P-12944/97;A-4893)
	936.30	n	(P-5177)	(P-12944/97;A-4893)
	936.40	n	(P-5177)	(P-12944/97;A-4893)
	936.50	n	(P-5177)	(P-12944/97;A-4893)
	936.60	n	(P-5177)	(P-12944/97;A-4893)
	936 Ex.A	n	(P-5177)	(P-12944/97;A-4893)
	1406.10	n	(P-12382/97;A-3038)	(P-12944/97;A-4893)
	1406.20	n	(P-12382/97;A-3038)	(P-12944/97;A-4893)
	1406.30	n	(P-12382/97;A-3038)	(P-12944/97;A-4893)
	1406.40	n	(P-12382/97;A-3038)	(P-12944/97;A-4893)
	1406.50	n	(P-12382/97;A-3038)	(P-12944/97;A-4893)
	1406.60	n	(P-12382/97;A-3038)	(P-12944/97;A-4893)
	1406.70	n	(P-12382/97;A-3038)	(P-12944/97;A-4893)
	1406.80	n	(P-12382/97;A-3038)	(P-12944/97;A-4893)
	1406.90	n	(P-12382/97;A-3038)	(P-12944/97;A-4893)
	1406.100	n	(P-12382/97;A-3038)	(P-12944/97;A-4893)
	1406.110	n	(P-12382/97;A-3038)	(P-12944/97;A-4893)
	2012.10	am	(P-11380/97;A-2105)	(P-5782)
	2012.12	am	(P-11380/97;A-2105)	(P-5782)
	2012.14	am	(P-11380/97;A-2105)	(P-5782)
	2012.16	am	(P-11380/97;A-2105)	(P-5782)
	2012.20	am	(P-11380/97;A-2105)	(P-5782)
	2012.90	am	(P-11380/97;A-2105)	(P-5782)
	2012.100	am	(P-11380/97;A-2105)	(P-5782)
	2012.123	n	(P-11380/97;A-2105)	(P-5778)
	2012.127	n	(P-11380/97;A-2105)	(P-5778)
	2012.127	n	(P-11380/97;A-2105)	(P-5778)
	2012.128	n	(P-11380/97;A-2105)	(P-5778)
	Ex.A	am	(P-11380/97;A-2105)	(P-5778)
	Ex.B	am	(P-11380/97;A-2105)	(P-5778)
	Ex.C	am	(P-11380/97;A-2105)	(P-5778)
	Ex.D	am	(P-11380/97;A-2105)	(P-5778)
	Ex.F	n	(P-11380/97;A-2105)	(P-5778)
	Ex.G	n	(P-11380/97;A-2105)	(P-5778)
	Ex.H	n	(P-11380/97;A-2105)	(P-5778)
	2051.Ex.A	am	(P-8766/97;A-16364/97)	(P-16946/97;A-6692)
	(RQ-2456;EC-5126)			(P-16946/97;A-6692)
	4202.10	r	(P-12889/97;A-4851)	(P-2546)
	4202.20	r	(P-12889/97;A-4851)	(P-2546)
4202.30	r	(P-12889/97;A-4851)	(P-2546)	
4202.40	r	(P-12889/97;A-4851)	(P-2546)	
4202.50	r	(P-12889/97;A-4851)	(P-2546)	
4202.60	r	(P-12889/97;A-4851)	(P-2546)	
4202.70	r	(P-12889/97;A-4851)	(P-2546)	
4202.80	r	(P-12889/97;A-4851)	(P-2546)	
4202.90	r	(P-12889/97;A-4851)	(P-2546)	
4202.100	r	(P-12889/97;A-4851)	(P-2546)	
4202.110	r	(P-12889/97;A-4851)	(P-2546)	
4202.120	r	(P-12889/97;A-4851)	(P-2546)	
4202.130	r	(P-12889/97;A-4851)	(P-2546)	
4202.140	r	(P-12889/97;A-4851)	(P-2546)	
4202.150	r	(P-12889/97;A-4851)	(P-2546)	
4202.160	r	(P-12889/97;A-4851)	(P-2546)	
4202.170	r	(P-12889/97;A-4851)	(P-2546)	
4202.180	r	(P-12889/97;A-4851)	(P-2546)	
4202.190	r	(P-12889/97;A-4851)	(P-2546)	
4202.200	r	(P-12889/97;A-4851)	(P-2546)	
4202.210	r	(P-12889/97;A-4851)	(P-2546)	
4202.220	r	(P-12889/97;A-4851)	(P-2546)	
4202.230	r	(P-12889/97;A-4851)	(P-2546)	
4202.240	r	(P-12889/97;A-4851)	(P-2546)	
4202.250	r	(P-12889/97;A-4851)	(P-2546)	
4202.260	r	(P-12889/97;A-4851)	(P-2546)	
4202.270	r	(P-12889/97;A-4851)	(P-2546)	
4202.280	r	(P-12889/97;A-4851)	(P-2546)	
4202.290	r	(P-12889/97;A-4851)	(P-2546)	
4202.300	r	(P-12889/97;A-4851)	(P-2546)	
4202.310	r	(P-12889/97;A-4851)	(P-2546)	
4202.320	r	(P-12889/97;A-4851)	(P-2546)	
4202.330	r	(P-12889/97;A-4851)	(P-2546)	
4202.340	r	(P-12889/97;A-4851)	(P-2546)	
4202.350	r	(P-12889/97;A-4851)	(P-2546)	
4202.360	r	(P-12889/97;A-4851)	(P-2546)	
4202.370	r	(P-12889/97;A-4851)	(P-2546)	
4202.380	r	(P-12889/97;A-4851)	(P-2546)	
4202.390	r	(P-12889/97;A-4851)	(P-2546)	
4202.400	r	(P-12889/97;A-4851)	(P-2546)	
4202.410	r	(P-12889/97;A-4851)	(P-2546)	
4202.420	r	(P-12889/97;A-4851)	(P-2546)	
4202.430	r	(P-12889/97;A-4851)	(P-2546)	
4202.440	r	(P-12889/97;A-4851)	(P-2546)	
4202.450	r	(P-12889/97;A-4851)	(P-2546)	
4202.460	r	(P-12889/97;A-4851)	(P-2546)	
4202.470	r	(P-12889/97;A-4851)	(P-2546)	
4202.480	r	(P-12889/97;A-4851)	(P-2546)	
4202.490	r	(P-12889/97;A-4851)	(P-2546)	
4202.500	r	(P-12889/97;A-4851)	(P-2546)	
4202.510	r	(P-12889/97;A-4851)	(P-2546)	
4202.520	r	(P-12889/97;A-4851)	(P-2546)	
4202.530	r	(P-12889/97;A-4851)	(P-2546)	
4202.540	r	(P-12889/97;A-4851)	(P-2546)	
4202.550	r	(P-12889/97;A-4851)	(P-2546)	
4202.560	r	(P-12889/97;A-4851)	(P-2546)	
4202.570	r	(P-12889/97;A-4851)	(P-2546)	
4202.580	r	(P-12889/97;A-4851)	(P-2546)	
4202.590	r	(P-12889/97;A-4851)	(P-2546)	
4202.600	r	(P-12889/97;A-4851)	(P-2546)	
4202.610	r	(P-12889/97;A-4851)	(P-2546)	
4202.620	r	(P-12889/97;A-4851)	(P-2546)	
4202.630	r	(P-12889/97;A-4851)	(P-2546)	
4202.640	r	(P-12889/97;A-4851)	(P-2546)	
4202.650	r	(P-12889/97;A-4851)	(P-2546)	
4202.660	r	(P-12889/97;A-4851)	(P-2546)	
4202.670	r	(P-12889/97;A-4851)	(P-2546)	
4202.680	r	(P-12889/97;A-4851)	(P-2546)	
4202.690	r	(P-12889/97;A-4851)	(P-2546)	
4202.700	r	(P-12889/97;A-4851)	(P-2546)	
4202.710	r	(P-12889/97;A-4851)	(P-2546)	
4202.720	r	(P-12889/97;A-4851)	(P-2546)	
4202.730	r	(P-12889/97;A-4851)	(P-2546)	
4202.740	r	(P-12889/97;A-4851)	(P-2546)	
4202.750	r	(P-12889/97;A-4851)	(P-2546)	
4202.760	r	(P-12889/97;A-4851)	(P-2546)	
4202.770	r	(P-12889/97;A-4851)	(P-2546)	
4202.780	r	(P-12889/97;A-4851)	(P-2546)	
4202.790	r	(P-12889/97;A-4851)	(P-2546)	
4202.800	r	(P-12889/97;A-4851)	(P-2546)	
4202.810	r	(P-12889/97;A-4851)	(P-2546)	
4202.820	r	(P-12889/97;A-4851)	(P-2546)	
4202.830	r	(P-12889/97;A-4851)	(P-2546)	
4202.840	r	(P-12889/97;A-4851)	(P-2546)	
4202.850	r	(P-12889/97;A-4851)	(P-2546)	
4202.860	r	(P-12889/97;A-4851)	(P-2546)	
4202.870	r	(P-12889/97;A-4851)	(P-2546)	
4202.880	r	(P-12889/97;A-4851)	(P-2546)	
4202.890	r	(P-12889/97;A-4851)	(P-2546)	
4202.900	r	(P-12889/97;A-4851)	(P-2546)	
4202.910	r	(P-12889/97;A-4851)	(P-2546)	
4202.920	r	(P-12889/97;A-4851)	(P-2546)	
4202.930	r	(P-12889/97;A-4851)	(P-2546)	
4202.940	r	(P-12889/97;A-4851)	(P-2546)	
4202.950	r	(P-12889/97;A-4851)	(P-2546)	
4202.960	r	(P-12889/97;A-4851)	(P-2546)	
4202.970	r	(P-12889/97;A-4851)	(P-2546)	
4202.980	r	(P-12889/97;A-4851)	(P-2546)	
4202.990	r	(P-12889/97;A-4851)	(P-2546)	
4203.00	am	(P-11380/97;A-2105)	(P-5782)	
4203.01	am	(P-11380/97;A-2105)	(P-5782)	
4203.02	am	(P-11380/97;A-2105)	(P-5782)	
4203.03	am	(P-11380/97;A-2105)	(P-5782)	
4203.04	am	(P-11380/97;A-2105)	(P-5782)	
4203.05	am	(P-11380/97;A-2105)	(P-5782)	
4203.06	am	(P-11380/97;A-2105)	(P-5782)	
4203.07	am	(P-11380/97;A-2105)	(P-5782)	
4203.08	am	(P-11380/97;A-2105)	(P-5782)	
4203.09	am	(P-11380/97;A-2105)	(P-5782)	
4203.10	am	(P-11380/97;A-2105)	(P-5782)	
4203.11	am	(P-11380/97;A-2105)	(P-5782)	
4203.12	am	(P-11380/97;A-2105)	(P-5782)	
4203.13	am	(P-11380/97;A-2105)	(P-5782)	
4203.14	am	(P-11380/97;A-2105)	(P-5782)	
4203.15	am	(P-11380/97;A-2105)	(P-5782)	
4203.16	am	(P-11380/97;A-2105)	(P-5782)	
4203.17	am	(P-11380/97;A-2105)	(P-5782)	
4203.18	am	(P-11380/97;A-2105)	(P-5782)	
4203.19	am	(P-11380/97;A-2105)	(P-5782)	
4203.20	am	(P-11380/97;A-2105)	(P-5782)	
4203.21	am	(P-11380/97;A-2105)	(P-5782)	
4203.22	am	(P-11380/97;A-2105)	(P-5782)	
4203.23	am	(P-11380/97;A-2105)	(P-5782)	
4203.24	am	(P-11380/97;A-2105)	(P-5782)	
4203.25	am	(P-11380/97;A-2105)	(P-5782)	
4203.26	am	(P-11380/97;A-2105)	(P-5782)	
4203.27	am	(P-11380/97;A-2105)	(P-5782)	
4203.28	am	(P-11380/97;A-2105)	(P-5782)	
4203.29	am	(P-11380/97;A-2105)	(P-5782)	
4203.30	am	(P-11380/97;A-2105)	(P-5782)	
4203.31	am	(P-11380/97;A-2105)	(P-5782)	
4203.32	am	(P-11380/97;A-2105)	(P-5782)	
4203.33	am	(P-11380/97;A-2105)	(P-5782)	
4203.34	am	(P-11380/97;A-2105)	(P-5782)	
4203.35	am	(P-11380/97;A-2105)	(P-5782)	
4203.36	am	(P-11380/97;A-2105)	(P-5782)	
4203.37	am	(P-11380/97;A-2105)	(P-5782)	
4203.38	am	(P-11380/97;A-2105)	(P-5782)	
4203.39	am	(P-11380/97;A-2105)	(P-5782)	
4203.40	am	(P-11380/97;A-2105)	(P-5782)	
4203.41	am	(P-11380/97;A-2105)	(P-5782)	
4203.42	am	(P-11380/97;A-2105)	(P-5782)	
4203.43	am	(P-11380/97;A-2105)	(P-5782)	
4203.44	am	(P-11380/97;A-2105)	(P-5782)	
4203.45	am	(P-11380/97;A-2105)	(P-5782)	
4203.46	am	(P-11380/97;A-2105)	(P-5782)	
4203.47	am	(P-11380/97;A-2105)	(P-5782)	
4203.48	am	(P-11380/97;A-2105)	(P-5782)	
4203.49	am	(P-11380/97;A-2105)	(P-5782)	
4203.50	am	(P-11380/97;A-2105)	(P-5782)	
4203.51	am	(P-11380/97;A-2105)	(P-5782)	
4203.52	am	(P-11380/97;A-2105)	(P-5782)	
4203.53	am	(P-11380/97;A-2105)	(P-5782)	
4203.54	am	(P-11380/97;A-2105)	(P-5782)	
4203.55	am	(P-11380/97;A-2105)	(P-5782)	
4203.56	am	(P-11380/97;A-2105)	(P-5782)	
4203.57	am	(P-11380/97;A-2105)	(P-5782)	
4203.58	am	(P-11380/97;A-2105)	(P-5782)	
4203.59	am	(P-11380/97;A-2105)	(P-5782)	
4203.60	am	(P-11380/97;A-2105)	(P-5782)	
4203.61	am	(P-11380/97;A-2105)	(P-5782)	
4203.62	am	(P-11380/97;A-2105)	(P-5782)	
4203.63	am	(P-11380/97;A-2105)	(P-5782)	
4203.64	am	(P-11380/97;A-2105)	(P-5782)	
4203.65	am	(P-11380/97;A-2105)	(P-5782)	
4203.66	am	(P-11380/97;A-2105)	(P-5782)	
4203.67	am	(P-11380/97;A-2105)	(P-5782)	
4203.68	am	(P-11380/97;A-2105)	(P-5782)	
4203.69	am	(P-11380/97;A-2105)	(P-5782)	
4203.70	am	(P-11380/97;A-2105)	(P-5782)	
4203.71	am	(P-11380/97;A-2105)	(P-5782)	
4203.72	am	(P-11380/97;A-2105)	(P-5782)	
4203.73	am	(P-11380/97;A-2105)	(P-5782)	
4203.74	am	(P-11380/97;A-2105)	(P-5782)	
4203.75	am	(P-11380/97;A-2105)	(P-5782)	
4203.76	am	(P-11380/97;A-2105)	(P-5782)	
4203.77	am	(P-11380/97;A-2105)	(P-5782)	
4203.78	am	(P-11380/97;A-2105)	(P-5782)	
4203.79	am	(P-11380/97;A-2105)</		

[illegible]

Title 77, cont.	890.650	am	(P-6513)	1130.310	am	(P-14854/97;A-4505)	415.410	am	(P-9926/97;A-6647)
	890.680	am	(P-6513)	1130.410	am	(P-14854/97;A-4505)	416.10	n	(P-2039/97;A-2238)
	890.1130	am	(P-6513)	1130.510	am	(P-14854/97;A-4505)	416.20	n	(P-2039/97;A-2238)
	890.1140	am	(P-6513)	1130.520	am	(E-12671/97;A-4505)	416.30	n	(P-2039/97;A-2238)
	890.1150	am	(P-6513)	1130.540	am	(P-14854/97;A-4505)	506.10	n	(P-2042/97;A-2232)
	890.1210	am	(P-6513)	1130.541	n	(P-14854/97;A-4505)	506.20	n	(P-2042/97;A-2232)
	890.1230	am	(P-6513)	1130.542	n	(P-14854/97;A-4505)	506.30	n	(P-2042/97;A-2232)
	890.1250	am	(P-6513)	1130.560	am	(E-12671/97;A-4505)	506.10	am	(P-14854/97;A-4505)
	890.1270	am	(P-6513)	1130.570	am	(P-14854/97;A-4505)	506.100	am	(P-14854/97;A-4505)
	890.1290	am	(P-6513)	1130.610	am	(P-14854/97;A-4505)	506.115	am	(P-14854/97;A-4505)
855.II.A	890.1310	am	(P-6513)	1130.620	am	(P-14854/97;A-4505)	506.133	n	(P-14854/97;A-4505)
	890.1330	am	(P-6513)	1130.640	am	(P-14854/97;A-4505)	506.140	am	(P-14854/97;A-4505)
	890.1350	am	(P-6513)	1130.650	am	(P-14854/97;A-4505)	506.165	am	(P-14854/97;A-4505)
	890.1370	am	(P-6595)	1130.660	am	(P-14854/97;A-4505)	506.170	am	(P-14854/97;A-4505)
	890.1390	am	(P-6595)	1130.670	am	(P-14854/97;A-4505)	506.175	am	(P-14854/97;A-4505)
	890.1410	am	(P-2847/97;A-4111)	1130.680	am	(P-14854/97;A-4505)	506.180	am	(P-14854/97;A-4505)
	890.1430	am	(P-2847/97;A-4111)	1130.710	am	(P-14854/97;A-4505)	506.185	am	(P-14854/97;A-4505)
	890.1450	am	(P-2847/97;A-4111)	1130.720	am	(P-14854/97;A-4505)	506.1030	am	(P-14854/97;A-4505)
	890.1470	am	(P-5018/97;A-3973)	1130.730	am	(P-14854/97;A-4505)	506.1080	r	(P-14854/97;A-4505)
	890.1490	am	(P-5018/97;A-3973)	1130.740	am	(P-14854/97;A-4505)	506.3330	r	(P-14854/97;A-4505)
855.II.B	890.1510	am	(P-5018/97;A-3973)	1130.750	am	(P-14854/97;A-4505)	Th.A	am	(P-14854/97;A-4505)
	890.1530	am	(P-5018/97;A-3973)	1130.760	am	(P-14854/97;A-4505)	Th.B	am	(P-14854/97;A-4505)
	890.1550	am	(P-5018/97;A-3973)	1130.770	am	(P-14854/97;A-4505)	772.20	am	(P-1192)
	890.1570	am	(P-5018/97;A-3973)	1130.780	am	(P-13993/97;A-5895)	772.20	am	(P-1192)
	890.1590	am	(P-5018/97;A-3973)	1130.790	am	(P-13993/97;A-5895)	772.45	am	(P-1192)
	890.1610	am	(P-5018/97;A-3973)	1130.800	am	(P-13993/97;A-5895)	772.50	am	(P-1192)
	890.1630	am	(P-5018/97;A-3973)	1130.810	am	(P-13993/97;A-5895)	772.55	am	(P-1192)
	890.1650	am	(P-5018/97;A-3973)	1130.820	am	(P-13993/97;A-5895)	772.90	am	(P-1192)
	890.1670	am	(P-5018/97;A-3973)	1130.830	am	(P-13993/97;A-5895)	772.90	am	(P-1192)
	890.1690	am	(P-5018/97;A-3973)	1130.840	am	(P-13993/97;A-5895)	772.130	am	(P-1192)
855.II.C	890.1710	am	(P-5018/97;A-3973)	1130.850	am	(P-14854/97;A-4505)	772.135	am	(P-1192)
	890.1730	am	(P-5018/97;A-3973)	1130.860	am	(P-14854/97;A-4505)	766.10	n	(P-12886/97;A-3460)
	890.1750	am	(P-5018/97;A-3973)	1130.870	am	(P-14854/97;A-4505)	766.15	n	(P-12886/97;A-3460)
	890.1770	am	(P-5018/97;A-3973)	1130.880	am	(P-14854/97;A-4505)	766.20	n	(P-12886/97;A-3460)
	890.1790	am	(P-5018/97;A-3973)	1130.890	am	(P-14854/97;A-4505)	766.25	n	(P-12886/97;A-3460)
	890.1810	am	(P-5018/97;A-3973)	1130.900	am	(P-14854/97;A-4505)	766.100	n	(P-12886/97;A-3460)
	890.1830	am	(P-5018/97;A-3973)	1130.910	am	(P-14854/97;A-4505)	766.110	n	(P-12886/97;A-3460)
	890.1850	am	(P-5018/97;A-3973)	1130.920	am	(P-14854/97;A-4505)	766.300	n	(P-12886/97;A-3460)
	890.1870	am	(P-5018/97;A-3973)	1130.930	am	(P-14854/97;A-4505)	766.310	n	(P-12886/97;A-3460)
	890.1890	am	(P-5018/97;A-3973)	1130.940	am	(P-14854/97;A-4505)	766.400	n	(P-12886/97;A-3460)
855.II.D	890.1910	am	(P-5018/97;A-3973)	1130.950	am	(P-14854/97;A-4505)	766.410	n	(P-12886/97;A-3460)
	890.1930	am	(P-5018/97;A-3973)	1130.960	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.1950	am	(P-5018/97;A-3973)	1130.970	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.1970	am	(P-5018/97;A-3973)	1130.980	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.1990	am	(P-5018/97;A-3973)	1130.990	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2010	am	(P-5018/97;A-3973)	1130.1000	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2030	am	(P-5018/97;A-3973)	1130.1010	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2050	am	(P-5018/97;A-3973)	1130.1020	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2070	am	(P-5018/97;A-3973)	1130.1030	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2090	am	(P-5018/97;A-3973)	1130.1040	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
855.II.E	890.2110	am	(P-5018/97;A-3973)	1130.1050	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2130	am	(P-5018/97;A-3973)	1130.1060	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2150	am	(P-5018/97;A-3973)	1130.1070	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2170	am	(P-5018/97;A-3973)	1130.1080	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2190	am	(P-5018/97;A-3973)	1130.1090	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2210	am	(P-5018/97;A-3973)	1130.1100	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2230	am	(P-5018/97;A-3973)	1130.1110	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2250	am	(P-5018/97;A-3973)	1130.1120	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2270	am	(P-5018/97;A-3973)	1130.1130	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2290	am	(P-5018/97;A-3973)	1130.1140	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
855.II.F	890.2310	am	(P-5018/97;A-3973)	1130.1150	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2330	am	(P-5018/97;A-3973)	1130.1160	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2350	am	(P-5018/97;A-3973)	1130.1170	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2370	am	(P-5018/97;A-3973)	1130.1180	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2390	am	(P-5018/97;A-3973)	1130.1190	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2410	am	(P-5018/97;A-3973)	1130.1200	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2430	am	(P-5018/97;A-3973)	1130.1210	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2450	am	(P-5018/97;A-3973)	1130.1220	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2470	am	(P-5018/97;A-3973)	1130.1230	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2490	am	(P-5018/97;A-3973)	1130.1240	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
855.II.G	890.2510	am	(P-5018/97;A-3973)	1130.1250	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2530	am	(P-5018/97;A-3973)	1130.1260	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2550	am	(P-5018/97;A-3973)	1130.1270	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2570	am	(P-5018/97;A-3973)	1130.1280	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2590	am	(P-5018/97;A-3973)	1130.1290	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2610	am	(P-5018/97;A-3973)	1130.1300	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2630	am	(P-5018/97;A-3973)	1130.1310	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2650	am	(P-5018/97;A-3973)	1130.1320	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2670	am	(P-5018/97;A-3973)	1130.1330	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2690	am	(P-5018/97;A-3973)	1130.1340	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
855.II.H	890.2710	am	(P-5018/97;A-3973)	1130.1350	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2730	am	(P-5018/97;A-3973)	1130.1360	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2750	am	(P-5018/97;A-3973)	1130.1370	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2770	am	(P-5018/97;A-3973)	1130.1380	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2790	am	(P-5018/97;A-3973)	1130.1390	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2810	am	(P-5018/97;A-3973)	1130.1400	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2830	am	(P-5018/97;A-3973)	1130.1410	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2850	am	(P-5018/97;A-3973)	1130.1420	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2870	am	(P-5018/97;A-3973)	1130.1430	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2890	am	(P-5018/97;A-3973)	1130.1440	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
855.II.I	890.2910	am	(P-5018/97;A-3973)	1130.1450	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2930	am	(P-5018/97;A-3973)	1130.1460	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2950	am	(P-5018/97;A-3973)	1130.1470	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2970	am	(P-5018/97;A-3973)	1130.1480	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.2990	am	(P-5018/97;A-3973)	1130.1490	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.3010	am	(P-5018/97;A-3973)	1130.1500	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.3030	am	(P-5018/97;A-3973)	1130.1510	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.3050	am	(P-5018/97;A-3973)	1130.1520	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
	890.3070	am	(P-5018/97;A-3973)	1130.1530	am	(P-14854/97;A-4505)	766.415	n	(P-12886/97;A-3460)
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